

## RULEMAKING NOTICE FORM

Notice Number	<u>2017-55</u>	Rule Number	<u>He-C 6910</u>
1. Agency Name & Address:  <b>Dept. of Health &amp; Human Services Division of Children, Youth &amp; Families Child Development Bureau 129 Pleasant Street Concord, NH 03301</b>		2. RSA Authority: <u>RSA 167:83, II(o)</u> 3. Federal Authority: _____ 4. Type of Action: Adoption <u>X</u> Amendment _____ Repeal <u>X</u> Readoption _____ Readoption w/amendment <u>X</u>	
5. Short Title: <u>Employment Related Child Care Eligibility</u>			

6. (a) Summary of what the rule says and of any proposed amendments:

The Department of Health and Human Services (Department) is essentially proposing to readopt with amendment He-C 6910. He-C 6910 establishes the eligibility criteria for employment related child care scholarships for eligible families who are preparing for, securing, or maintaining employment, and seeking assistance with child care payments in order to support healthy child development. It is the intent of the Department to transfer provider enrollment requirements in the existing He-C 6910 to a new rule He-C 6914, and billing and payment requirements to a new rule He-C 6918 which are being proposed in separate, concurrent rulemaking proceedings.

Changes from the existing He-C 6910 in this proposal include:

- Adding definitions including: “department”, “expedited child care”, “children experiencing homelessness”, “graduated phase out”, “McKinney-Vento Act”, “commute time”, “Tier 1” and “Tier 2” in income eligibility, and “foster parent.” The definitions of “authorized representative for web billing”, “job search”, “district office”, and “medical leave” have been amended for clarity;
- Incorporating forms used in the rule by reference;
- Removal of child care provider enrollment requirements, which will be listed in He-C 6914 as noted above;
- Removal of child care provider billing requirements, which will be listed in He-C 6918 as noted above;
- Changing child care scholarship eligibility from up to 12 months in the existing rule, to a 12 month eligibility for all eligible families;
- Adding He-C 6910.05, an expedited child care for a rapid eligibility determination for child care scholarship for applicants who meet the McKinney-Vento definition of homelessness;
- Amending He-C 6910.06 on financial eligibility requirements to include a fluctuating income calculation which annualizes a family’s income;
- Removal of sections including requirements of termination and disqualification;
- Adding the proposed He-C 6910.18 which contains a 2 Tier eligibility income threshold as follows:

Tier 1 is an initial eligibility threshold which consists of family income levels at Step 1-Step 6 of the existing rule. In the proposed rule, Step 7 of the existing rule will no longer be included in the initial income eligibility threshold for Tier 1. The initial income eligibility threshold has been reduced to less than or equal to 220% of federal poverty guidelines (FPG); and

Tier 2 will be a graduated phase out (GPO) eligibility period beginning for eligible families already receiving child care scholarship who are at the Step 7 income level under the existing rule, meaning having income greater than 220% FPG and less than or equal to 250% of FPG. A family at Tier 2 will have income that exceeds the initial income eligibility threshold of Tier 1. Under GPO the family will receive a graduated phase out eligibility period which will continue a child care scholarship for a period of 12 months. GPO will only be available at redetermination as it will be an exit threshold; and

- How income eligibility will be determined for families with fluctuating income. Under the proposed rule, fluctuating income can be annualized when determining if the family meets the income eligibility for child care scholarship.

The proposal changes some of the non-financial eligibility requirements in the existing He-C 6910, as follows:

- The duration of a job search will now be up to 92 calendar days. Any additional 92 calendar day job search period will only be approved if the parent has participated in employment or an approved training or educational activity after the initial job search period. The existing rule limited job search to 40 days in a 6 month period;
- A child turning 13 years of age during the eligibility period will remain eligible until the family's redetermination of eligibility;
- Families on the wait list will be required to report the following: start of a permanent loss of job, start or cessation of training or educational activity, and if the family's gross income exceeds 220% of FPG, or 85% of state median income (SMI); and
- Some of the reporting requirements have been eased so that families will no longer be required to report changes to the Department more than once during the 12 month eligibility period except where specifically indicated in the rule.

Other requirements include:

- That a child shall continue to be eligible for child care as long as the parent(s) is considered employed or in an educational or training program even while the parent is:
  - On a medical leave due to the parent(s) own health or caring for another family member in the same household;
  - Experiencing a seasonal break in employment according to regular industry work seasons;
  - On a student holiday or break while participating in a training or educational activity; or
  - Experiencing any other reduction in work, training or education hours as long as the parent is still working or attending a training or educational program.
- An attestation from the applicant for child care scholarship that the family resources do not exceed one million dollars in assets;
- That the authorized service level at initial eligibility will be based on the parent's reported and verified need, and shall remain unchanged during the 12 month eligibility period, unless the parent reports a change in employment-related activity that increases the service level or requests that the service level be reduced; and
- That during a job search, or when the parent experiences a temporary reduction in work or training hours, the authorized service level will remain the same as the service level prior to the job search. The proposed rule affects those seeking to be found eligible for employment related child care scholarship.

- **start of job search or reduction in hours, unless the parent requests that the authorized service level be reduced.**

6. (b) Brief description of the groups affected:

**The proposed rule affects those seeking to be found eligible for employment related child care scholarship.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Number	Specific State or Federal Statutes or Regulations the Rule Implements
He-C 6910.01	RSA 161:2, XII; RSA 167:83, I(b) and RSA 167:83, II(o)
He-C 6910.02	RSA 167:77, V(e)
He-C 6910.03	RSA 161:2, XII; RSA 167:58, IV; RSA 167:83, I(b); RSA 167:83, II(o)
He-C 6910.04	RSA 167:79, III(d)–(g); RSA 167:83, II(o)
He-C 6910.05	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.06	RSA 167:83, II(c) and (o)
He-C 6910.07	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.08	RSA 167:85; RSA 167:88; RSA 167:90; RSA 167:91
He-C 6910.09	RSA 167:83, II(c) and (o)
He-C 6910.10	RSA 167:79, V(b); RSA 167:82, VI; RSA 167:83, II, II(c)(e)(m)
He-C 6910.11	RSA 167:83, II(b); RSA 167:83, III(h)
He-C 6910.12	RSA 161:2, XII; RSA 167:83, II
He-C 6910.13	RSA 167:83, II(o)
He-C 6910.14	RSA 167:83, II(c) and (o)
He-C 6910.15	RSA 161:2, XII; RSA 167:83, II
He-C 6910.15 Existing Rule Repealed	RSA 167:83, V(o)
He-C 6910.16	RSA 161:2, XII; RSA 167:83, II
He-C 6910.17	RSA 167:83, II(o)
He-C 6910.18	RSA 161:2, XII; RSA 167:83, II(o); RSA 167:83, III(g); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:12
He-C 6910.19	RSA 167:83, II(a); RSA 541-A:31, I and II
He-C 6910.19 Existing Rule Repealed	RSA 167:83, II(o)
He-C 6910.20	RSA 167:83, II(i)
He-C 6910.20 Existing Rule Repealed	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c; RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V
He-C 6910.21 Repealed	RSA 167:83, II (o)
He-C 6910.22 Repealed	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c; RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

**The proposed rules may be viewed and downloaded at:**

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, June 1, 2017**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, May 25, 2017 at 12:00 p.m.**

Place: [\*\*DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH\*\*](#)

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **17:045**, dated **05/1/17**

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules will increase state general fund expenditures by an estimated \$2,279,774 annually, have an indeterminable impact on state citizens, and may benefit independently-owned businesses to the extent that those businesses are child care providers subject to the rule.

2. **Cite the Federal mandate. Identify the impact on state funds:**

Costs associated with the proposed rule are attributable to the federal reauthorization requirements for child care scholarships pursuant to 45 CFR 98, which requires the Department to implement various changes in order to receive funding reauthorization.

3. **Cost and benefits of the proposed rule(s):**

**A. To State general or State special funds:**

The proposed rule may result in a cost to the state general fund, as a result of the federal mandate requiring a 12-month eligibility period. Based upon the number of families currently eligible for the scholarship, the Department estimates the proposed cost of implementing these changes to be \$2,279,774 annually. This amount has been included in the governor's recommended FY 2018/19 budget for the child development program. If program demand exceeds available funds, it is possible that families will be added to a wait list until funding is available. Any additional costs to the state general fund are indeterminable.

**B. To State citizens and political subdivisions:**

The proposed rule creates multiple indeterminable costs and benefits for families utilizing reemployment-related childcare scholarships. Specifically, the proposed rule:

- Changes the eligibility period from up to 12 months to exactly 12 months, which will benefit families utilizing such scholarships;
- Establishes a two-tier eligibility threshold, which will potentially cost new families whose income at initial eligibility is at the Step 7 level in the existing rule. New families at the Step 7 level will no longer be eligible for the child care scholarship under the proposed rule. The Department estimates that under the existing rule, approximately two percent of recipients are at Step 7 at initial eligibility. The proposed rule does, however, establish a graduated phase out (GPO) eligibility period for eligible families already receiving scholarships who are at the Step 7 income level under the existing rule, which will result in these families continuing to receive the childcare scholarship for a period of 12 months.
- Continues eligibility while parents remain employed or in a training or educational program even when they are on medical leave, experiencing a seasonal break in employment, or are on a student holiday or semester break from a training or educational program.
- Adds expedited child care for families experiencing homelessness. This will benefit those families experiencing homelessness, while those on the wait list for a child care scholarship will be bypassed by those experiencing homelessness.
- Benefits families receiving scholarships by continuing eligibility for children who turn 13 for the remainder of the 12-month eligibility period;
- Adds eligibility for parents whose income fluctuates by annualizing income which will benefit families who were previously denied scholarships when their incomes were not annualized.

There is no impact on political subdivisions.

**C. To independently owned businesses:**

The proposed rule may result in potential benefits to child care providers enrolled with the Division for Children, Youth, and Families, as follows:

- There are potential benefits associated with 12-month eligibility, in that providers will be able to better predict costs and staffing patterns, and receiving payment for services without interruption.
- There is a potential benefit from the GPO, in that child care payment will continue while the family is in the 12-month GPO period.
- Providers will benefit from the addition of breaks which under the existing rule were not paid for.
- Child care providers will no longer need to immediately fill a slot for a child who turns 13 during their 12-month eligibility period.
- Providers will benefit from the expedited child care determinations because they will be paid for the first 30 days of child care regardless of whether the family is determined eligible.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution

**The proposed rule modifies an existing program or responsibility but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.**

**Readopt with amendment He-C-6910.01 – 6910.02, effective 5/7/12 (Document #10120), cited and to read as follows:**

PART He-C 6910 EMPLOYMENT RELATED CHILD CARE SCHOLARSHIP ELIGIBILITY

Statutory Authority: RSA 161:2, XII; RSA167:83, I(b); and RSA 167:83, II(o)

He-C 6910.01 Purpose. The purpose of this part is for the department of health and human services (DHHS), through the division for children, youth, and families (DCYF) to:

(a) Establish the eligibility criteria for 12 month employment related a child care scholarship which enables families to prepare for, secure, or maintain employment, and to support healthy child development ~~for~~ those families who meet and continue to meet the program requirements of He-C 6910; and

(b) Establish the payment amounts for an employment related child care scholarship.

He-C 6910.02 Scope.

(a) This part shall apply to families who require child care scholarship and who are either receiving financial assistance from DHHS under the financial assistance to needy families (FANF) program as described in He-W 602.02(a), or whose income is at or below ~~250~~220% of the federal poverty ~~level~~guidelines, Tier 1, and greater than 220% and less than or equal to 250% of the federal poverty guidelines, Tier 2, as long as a family complies with the requirement described in He-C 6910.065(b). ~~This part shall also apply to the providers who receive payment for child care services on behalf of these families.~~

(b) The scholarship payments established pursuant to He-C 6910 shall be contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

**Readopt with amendment He-C 6910.03, effective 5/7/12 (Document #10120), as amended effective 4-4-14 (Document # 10565), as amended effective 9-1-15 (Document #10917), to read as follows:**

He-C 6910.03 Definitions.

(a) “Applicant” means a parent, legal guardian, or caretaker relative of the child(ren) who applies for child care ~~assistance~~ scholarship.

(b) “Assistance group” means the individuals who are residing in the same household whose needs and income are considered and combined together when determining eligibility and the amount of assistance for child care.

(c) “Authorized representative” means the person(s) who is designated or authorized by a child care provider to act on behalf of that provider in matters related to billing DHHS for child care services provided and is not the parent of a child in the provider’s care who is receiving child care scholarship. ~~not an applicant for or recipient of a child care scholarship, and who upon the designation or authorization of a provider acts on behalf of that provider in matters relative to billing DHHS for child care services rendered.~~

(d) “Authorized service level” means full time, half time or part time service level based on the number of hours of child care per week required for a approved employment related activities that include employment, training, ~~and~~ education and job search, ~~plus commute time.~~

(e) “Caretaker relative” means a specified relative as defined in RSA 167:78, III, namely, “a specified relative, other than a parent, who provides care and parental control to a dependent child.” ~~who is not the biological parent of the child(ren), but is providing care and supervision of the child(ren) in the assistance group.~~

(f) ~~“Child care” means the act of providing supervision, food, activity, and rest to a child in order to assist a parent(s), legal guardian, or caretaker relative in preparing for, securing, or maintaining employment or employment related education or training.~~

(g) “Child care” means the act of providing supervision, food, activity, and rest for a child for any portion of a 24-hour day, in order to promote healthy child development and assist the child’s parent(s), in preparing for, securing, or maintaining, employment, or employment related training or education, or for an approved activity that supports service or case plan goals.

(g) “Child care scholarship” means payment to a child care provider of child care services on behalf of a family who meets the eligibility criteria of He-C 6910.

(h) “Child experiencing a significant special need(s)” means a child through the age of 17 who has a verified medical, physical, developmental, educational, ~~and~~ or emotional disability requiring additional funds for accommodation or classroom adaptation in the child care setting.

(i) “Children experiencing homelessness” means children who lack a fixed, regular, and adequate nighttime residence as defined in McKenny-Vento Act which includes:

(1) Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; or are living in emergency or transitional shelters; are abandoned in hospitals; or

(2) Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

(4) Migratory children as such term is defined in section 1309 of the Elementary and Secondary Education Act of 1995 who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in (1)-(3) above.

(j) “Commute time” means for employment related child care one hour per day in a week, during which the parent(s) travels for active participation to and from an employment related activity.

(k)Ⓢ “Cost\_-share” means a DHHS determined portion of the standard rate ~~fee~~ charged as a fee to parents for child care services provided based on family size and income pursuant to He-C 6910.18.

(l) “Department” (DHHS) means the department of health and human services for the State of New Hampshire.



~~(j)~~(m) “District office (DO)” means one of the New Hampshire regional offices ~~or the central location for scanning documentation known as the central scanning unit of DHHS~~ where families may apply for child care ~~assistance scholarship~~ provided by DHHS.

~~(k)~~(n) “Eligibility period” means the time for which a family is determined eligible to receive child care ~~assistance scholarship~~.

~~(l)~~(o) “Employment-related activities” means participation in ~~a-an approved verified~~ activity that is designed to assist parent~~st~~~~icipants~~ to enter, re-enter, or remain in the workforce as described in He-C 6910.07(e)~~06(d)~~.

~~(m)~~(p) “Enrolled child care provider~~ment~~” means ~~that~~ a child care provider who has met the qualifications and requirements found in He-C ~~6910.206914~~ and is authorized to receive payment ~~for services from DHHS for child care services provided. The term includes the definition of “registered provider” as used in RSA 170-E:6-a.~~

~~(n)~~(q) “Expedited child care” means a rapid eligibility determination for child care scholarship utilizing a child care provider currently enrolled with DHHS for any applicant who meets the McKinney-Vento definition of homelessness and is applying for child care scholarship.

~~(o)~~(r) “Family” means a child(ren) and an adult(s) who reside in the same household and who have a birth, foster, step, adoptive, legal guardianship, or caretaker relative relationship

~~(p)~~(s) “Financial assistance to needy families (FANF)” means the financial and medical assistance provided under the New Hampshire employment program (NHEP), family assistance program (FAP), families with older children (FWOC) program, and the interim disabled parent (IDP) program-

~~(q)~~(t) “Federal poverty guidelines (FPG)” means poverty guidelines, published in the Federal Register at least annually by the secretary of the United States Department of Health and Human Services, which are used as an eligibility criterion for community services block grant programs.

(u) “Foster Parent” means an individual who has a license or permit for foster family care, pursuant to He-C 6336.

~~(r)~~(v) “Fraud” means “fraud” as defined in RSA 167:58, IV.

~~(s)~~(w) “Full time” means ~~more~~greater than 30 hours of child care per week.

(x) “Graduated phase out” means a new 12 month eligibility period for child care scholarship when a family’s income exceeds 220% and is less than or equal to 250% of the federal poverty guidelines (FPG) at redetermination.

~~(s)~~(y) “Half time” means greater than 156 and equal to or less than~~to~~ 30 hours of child care per week.

~~(t)~~(z) “Job search” means a 92 calendar day period:

(1) Granted at initial eligibility, during which ~~that~~ a parent is actively seeking employment;  
or

(2) Granted during a 12 month eligibility period, during which a parent is given the opportunity to engage or reengage in employment or employment related training or education when a parent has had a non-temporary cessation of employment, or employment related training or education. is actively seeking employment;

~~(1) Through the parent's compliance with the NHEP pursuant to He-W 637.05;~~

~~(2) By virtue of a parent's registration with the New Hampshire department of employment security's job-match system; or~~

~~(3) In accordance with New Hampshire unemployment compensation benefits.~~

~~(u)~~(aa) "Legal guardian" means an individual, who is ~~not a specified relative of a child(ren), who~~ is given legal authority by a court and charged with the duty to provide care, custody, and supervision of the child(ren).

~~(v)~~(ac) "Licensed" means a child care provider who has been issued a child care license to operate by the commissioner of DHHS, in accordance with RSA 170-E or has been issued a license to legally operate as a child care provider in accordance with the child care licensing requirements of a state neighboring New Hampshire.

~~(w)~~(ad) "License-exempt" means a child care provider who is not required to be licensed, in accordance with RSA 170-E:3, I (a), (b), (c), (f), (g), and (h), or is not required to be licensed but can legally operate as a child care provider in accordance with the regulations of a state neighboring New Hampshire.

(ae) "McKinney-Vento" means the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301 (1987).

~~(x)~~(af) "Medical leave" means an illness, injury, or medical condition which temporarily prohibits the eligible parent from participating in ~~job-search activities, employment, or training~~ or an educational program for the length of time prescribed in a signed statement from an attending physician, physician's assistant, advanced practice registered nurse, or licensed mental health professional. This term includes caring for the other parent of the common child living in the household or another child living in the household.

~~(y)~~(ag) "Monthly gross income" means total monthly moneyies received before taxes and other deductions are applied.

~~(z)~~(aa) "~~NH Bridges" means the automated case management, information, tracking, and reimbursement system used by the division for children, youth and families and the division for juvenile justice services.~~

~~(aa)~~(ah) "NHEP participant" means an individual who is enrolled in the NHEP work program and is receiving FANF financial assistance.

~~(ab)~~(ai) “New Hampshire employment program (NHEP)” means the program administered by DHHS in accordance with RSA 167:78 through RSA 167:92.

~~(ae)~~(aj) “Notification” means a written or printed document that advises:

(1) Families of:

- a. The results of eligibility determinations; and
- b. Other changes in child care scholarship; or

(2) Providers of:

- a. Changes to a family’s child care scholarship, as applicable;
- b. The maintenance of the provider’s enrollment status; and
- c. Other information related to the provider’s compliance with these rules.

~~(ad)~~(ak) “Parent” means an individual who has a birth, adoptive, or step-parent relationship to the child(ren), a foster parent as defined in ~~(q)~~(v) above, a legal guardian as defined in ~~(v)~~(ab) above, or a caretaker relative as defined in ~~(e)~~(f) above.

~~(ae)~~(al) “Parent with a disability” means a parent, ~~legal guardian, or caretaker relative~~ who is unable to participate in employment-related activities ~~and/or or unable~~ to care for and supervise ~~his/her/his or her~~ child(ren) because of physical or mental impairment, disease, or a combination of these conditions.

~~(af)~~(am) “Part time” means 1 to 15 hours of child care per week.

~~(ag)~~(an) “Provider” means an individual or a public or private organization supplying child care services to ~~the~~a family and requesting enrollment for financial reimbursement from the DHHS.

~~(ah)~~(ao) “Recipient” means a member of a family, or a member of a family, who meets eligibility requirements for is receiving a child care scholarship from DHHS pursuant to He-C 6910.

~~(ai)~~(ap) “Redetermination” means a scheduled review of a ~~recipient~~parent’s eligibility for child care scholarshipservices, and includes verification of all aspects of eligibility.

~~(aj)~~(aq) “Satisfactory progress” means meeting the minimum standards set by an organization or agency, or an educational or training facility, which measures a person’s:

(1) Proficiency level in an activity; and

(2) Ability to complete the activity in a timely manner.

~~(ak)~~(ar) “Self-employed” means an individual who is employed or directly engaged in an income producing trade or business for the purpose of generating income with repetition and continuity of operation as one’s occupation including, but not limited to, sales, services, home construction, lawn and landscaping services, hair styling, and other personal services.

~~(al)~~ “Specified relative” means any of the individuals listed in RSA 167:78, XXIII, with whom the eligible child(ren) lives.

~~(am)~~(as) “Standard rate” means a DHHS determined rate used to calculate a child care scholarship and cost-share amounts.

~~(an)~~(at) “Termination” means the discontinuance of child care scholarship assistance received by an assistance group when the conditions of eligibility for receipt of the assistance are no longer met.

(au) “Tier 1 child care scholarship eligibility” means the family gross income meets the initial threshold for child care scholarship of less than or equal to 220% of FPG.

(av) “Tier 2 child care scholarship eligibility” means the family gross income is greater than 220% and less than or equal to 250% of FPG during a 12 month graduated phase out period.

~~(ae)~~(aw) “Wait list” means a prioritized list of children eligible for a child care scholarship who are waiting for funding to become available to receive child care scholarship.

**Readopt with amendment He-C 6910.04, effective 5/7/12 (Document # 10120), as amended effective 9-1-15 (Document #10917), to read as follows:**

He-C 6910.04 Application for Child Care Scholarship.

(a) ~~All~~The applicants ~~requesting for a~~ child care scholarship shall submit to the ~~D~~istrict ~~O~~ffice an application for assistance, signed and dated on paper, via telephone or electronically in accordance with He-W 600.

~~(b) The applicant shall be required to participate in the verification and interview processes prescribed in He-W 636.~~

(eb) At a minimum, the applicant shall provide the following information ~~shall be provided within 30 days of the date of application: by the applicant at the time of application:~~

(1) For each member of the assistance group:

- a. His or her full name, including maiden name, if applicable, and any other names used previously;
- b. His or her social security number if the applicant chooses to provide it;
- c. His or her current address;
- d. A description of the current household composition, such as whether the family lives independently, or with a relative(s) or others, is homeless, or if the child(ren) living with him or her is a foster child;
- e. The telephone number(s) at which he or she can be reached;
- f. The reason for requesting assistance at the time the application is made; and

g. The total amount of gross income from all sources, or net income if self-employed as described in He-C 6910.0605(4); and

(2) The date and place of birth of each child in the assistance group for which the applicant parent is requesting a child care scholarship.

(c) The applicant shall be required to participate in the verification and interview process prescribed in He-W 636.

(d) The applicant shall indicate at the time of application the current child care arrangements, if any, including:

(1) The name of the provider;

(2) The cost of child care; and

(3) Whether the provider is licensed or license-exempt.

(e) The applicant shall indicate at the time of application any circumstances that he/ or she anticipates might occur during the next 6-12 months which could affect eligibility, such as changes in income, living arrangements, expenses, or child care provider(s).

(f) The application for child care scholarship shall be signed, and dated, and submitted in accordance with He-W 600, when submitting a formal request for a child care scholarship.

**Adopt He-C 6910.05 to read as follows:**

He-C 6910.05 Application for Expedited Child Care.

(a) An applicant experiencing homelessness as described in McKinney-Vento Homeless Assistance Act, 42 USC 11301 shall be authorized to receive expedited child care scholarship if the applicant:

(1) Provides the district office with an application including the parent's full legal name, address, or means of contact, and the parent's signature;

(2) Identifies a child care provider that is currently enrolled with the DHHS child care scholarship program;

(3) Has not previously had expedited child care terminated due to failure to provide required verification or has since provided verification and been determined eligible; and

(4) Is employed, seeking employment, or in an employment related training or educational activity.

(b) Expedited child care shall also be available to an applicant who meets (a)(1)-(4) above and is seeking housing in the same week.

**Readopt with amendment He-C 6910.05, effective 5/7/12 (Document # 10120), as amended effective 9-1-15 (Document # 10917), and renumber as He-C 6910.06 to read as follows:**

He-C 6910.0506 Financial Eligibility Requirements.

(a) To be financially eligible for child care scholarship, a family shall meet one of the requirements set forth in in (1)–(4) below:

- (1) Be receiving FANF financial assistance from DHHS, whether participating in NHEP or exempt from participation in NHEP in accordance with He-W 637.04;
- (2) Be receiving FANF-related medical assistance as described in RSA 167:82, VI;
- (3) Have applied for FANF financial assistance but not yet been approved and the applicant is participating in NHEP; or
- (4) Meet the gross income limit described in (b) below~~;~~.

(b) Families shall be determined income eligible for child care at application if their monthly gross income for the appropriate family size does not exceed ~~220~~250% Tier 1, of the “Poverty Income Guidelines for All States (except Alaska and Hawaii) and the District of Columbia” (January 25, 2016) 81 FR 4036 published annually in the Federal Register-.

(c) All sources of gross income shall be counted when determining financial eligibility and family cost~~-~~share for child care, except those specified below:

- (1) The income of any grandparent, when 3 generations are living in one household;
- (2) Child foster care payments;
- (3) Adoption subsidies;
- (4) Any educational assistance, student loans, or scholarships used to cover educational expenses, such as tuition and mandatory fees, books, and school related travel;
- (5) The income of a caretaker relative or a legal guardian and his or her spouse, unless the caretaker relative or legal guardian is also applying for child care assistance for ~~his/her~~his or her own child(ren), in which case his~~/~~or her income and the income of his~~/~~or her spouse shall count in the determination of eligibility for all of the child(ren);
- (6) Money received from Americorp Volunteers in Service to America (VISTA); and
- (7) Earned income from a dependent child(ren), as defined in He-W 601.5503(e), who is a full time student attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b).

(d) For self-employment, countable income to determine eligibility shall be the net monthly income from sales, services, or other business activities, after deducting business expenses.

(e) Monthly gross income shall be determined in accordance with He-W 744.01 or He-W 744.03.

(f) Resources, as defined in He-W 601.14607(f) ~~to include both personal and real property;~~ shall not be counted when determining financial eligibility and family cost ~~-share for child care scholarship unless the total countable resources exceed one million dollars in assets. for child care~~

(g) Fluctuating income shall be identified and calculated as:

(1) Earned income that is averaged when it varies from month to month or season to season such as when an individual works varying hours, overtime, or on a piece work basis;

(2) Unearned income that is averaged when it varies from month to month such as child support, alimony, disability payments, or other sources of unearned income due to changes in the frequency or amount of receipt; or

(3) Earned income that is annualized when:

a. The parent indicates that the current income does not reflect total family income of the next 12 month period; or

b. The family income varies from season to season, such as when an individual works different employment in the winter months compared with the summer months; or

c. The parent is self-employed.

(h) Countable income, pursuant to He-C 6910.06(e) shall be determined at the initial application and converted to a monthly amount by:

(1) Averaging income using 4 current consecutive weeks pursuant to He-W 744.03(e); or

(2) Annualizing the earned income of the previous 12 month period when such income represents a best estimate of future income; or

(3) Annualizing the projected earnings of the applicant of the next 12 month period as verified according to He-C 6910.09(f).

(i) Income that is annualized at initial application shall determine the annual cost share and shall not be recalculated during the 12 month eligibility period except when the applicant experiences a permanent job loss.

**Readopt with amendment He-C 6910.06, effective 9-1-15 (Document # 10917), to read as follows:**

He-C 6910.0607 Non-Financial Eligibility Requirements.

(a) To be eligible for a child care scholarship, the child shall be a member of the assistance group for which the applicant is seeking a child care scholarship.

(b) Each child for whom child care scholarship is requested shall be:

(1) A resident of the state of New Hampshire;

(2) A United States (US) citizen or a non-citizen who meets the criteria for non-citizenship as described in He-C 6910.0908(c)(2);

(3) Less than 13 years of age, except when the child meets the criteria described in ~~(e)~~(d) below; and

(4) Linked to only one enrolled provider.

(c) A child who turns 13 years of age shall remain eligible until the next redetermination.

(d) A child aged 13 or over shall not be eligible for a child care scholarship, except when the child, through the age of 17, is a child experiencing a significant special needs whose condition limits the child's ability to care for himself or herself, or he or she would cause harm to himself or herself or others without supervision as verified in accordance with He-C 6910.09(i)(3)08(g)(3)a.

~~(de)~~ Each applicant requesting a child care scholarship shall be engaged in one or more of the following:

(1) Employment where an applicant shall be receiving any form of earned income or in-kind compensation for his or her work;

(2) Job search where an applicant is:

(a) In compliance with NHEP pursuant to He-W 637.05;

(b) Registered with the New Hampshire department of employment security job match system; or

(c) In compliance with New Hampshire's requirements for receipt of unemployment compensation benefits;

(3) Participating in a training or education program which is preparatory to employment, including any internet training or education, subject to the limitations found in He-C 6910.13(c)12; ~~or~~

(4) Participating in a basic educational activity as described in He-C 6910.13(e); or

~~(45)~~ Participating in one or more approved NHEP activities indicated on an employability plan as described in He-W 637.

(f) Job search in (e)(2) above, shall be authorized up to 92 calendar days. If job search is the only activity and the parent does not engage in one of the other activities in (e) above prior to the end of the 92 calendar days, child care will close.

~~(efg)~~ A child care scholarship shall be available to parents applicants or recipients when employed, when actively in training or education, or seeking employment and housing in the same week, and housing on the same day, who are without permanent housing as described in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301, subject to the verification requirements of He-C 6910.09(s)08(e).

~~(fg) To be considered employed, an applicant shall be:~~



~~(1) Receiving any form of payment or in-kind compensation for his/her work; or~~

~~(2) On a medical leave which has been verified in accordance with He-C 6910.08(l)-(m).~~

~~(gh)~~ To be eligible for a child care scholarship when both parents reside with the child(ren), the following shall apply:

(1) Both parents shall comply with ~~(de)~~ above; or

(2) One parent shall comply with ~~(de)~~ above and the other shall qualify as a parent with a disability in accordance with He-C 6910.~~0809~~~~(ij)~~.

~~(hi)~~ When an individual is employed solely as a license-exempt child care provider, his~~/~~ or her child(ren) shall not be eligible for a child care scholarship.

~~(ij)~~ For individuals providing care as a license-exempt child care provider in the child's home, if the individual's employer, who is not a license-exempt child care provider, does not permit the individual to care for the individual's provider's own children simultaneously with the employer's children, the provider individual may be eligible to receive a child care scholarship for the care of his or her own children following the submission of verification required in He-C 6910.~~08(p)~~~~09(i)~~.

~~(jk)~~ A parent's authorized service level ~~of service~~ shall be based on the number of hours per week child care is needed as determined by:

(1) The number of hours per week the parent is engaged in an approved employment-related activity; and

(2) The number of hours of commute time per week equal to one hour each day ~~times~~ multiplied by the number of days in a week that the parent(s) is engaged in an employment-related activity.

~~(kl)~~ For self-employed parents, the authorized service level ~~of service~~ shall be based on the number of hours per week child care is needed as determined by:

(1) ~~If the individual has been continuously self-employed for less than 2 years,~~ The number of hours the parent(s) reports for self-employment when the parent has been continuously self-employed for less than 2 years; or

(2) Calculating self-employment when ~~If~~ the individual has been continuously self-employed for ~~more than~~ 2 years or more, as follows:

a. Dividing the monthly income reported in He-C 6910.~~05(d)~~~~06~~ by 4.33 and then dividing this amount by the federal minimum wage to establish the average number of hours of employment-related activity per week; and

b. The number of hours of commute time per week equal to one hour each day ~~times~~ multiplied by the number of days in a week that the parent is in an approved employment-related activity.

~~(lm)~~ Authorization for the authorized service level ~~of service~~ shall be based on the calculation in ~~(jk)~~ and ~~(kl)~~ above and applied as follows:

- (1) For full time authorized service level-of-service, the number of hours shall be ~~equal to or~~ greater than ~~30~~40 hours;
- (2) For half time authorized service level-of-service, the number of hours shall be ~~between~~ ~~16~~greater than 15 and equal to or less than 30; or
- (3) For part time authorized service level-of-service, the number of hours shall be between 1 and 15 hours ~~for part time level of service.~~

~~(mn)~~ For 2-parent households eligible to receive a child care scholarship, the authorized service level ~~of service~~ ~~authorized~~ shall be calculated based on the lowest number of hours that either parent participates in an approved employment-related activity ~~the parent with the lesser total number of hours in an employment-related activity.~~

(o) Child care scholarship shall not be paid for a child under the age of 72 months, i.e. 6 years, when cared for in a license-exempt child care center program pursuant to RSA 170-E:2, XI-a.

**Readopt with amendment He-C 6910.07, effective 5-7-12 (Document #10120), and renumbered as He-C 6910.08 to read as follows:**

He-C 6910.~~0807~~ Additional Eligibility Requirements for Participants of NHEP.

(a) A parent Families in which an adult member who is participating in NHEP and in compliance with He-W 637 shall be eligible for a child care scholarship.

(b) If the parentadult is not in compliance with the NHEP program requirements, pursuant to He-W-6 the parent shall be granted continued child care eligibility for up to 92 calendar days to engage in a job search.

(c) (b)—A parent Families in which an adult member is participating in training and education ~~and training~~ as a part of his or her approved NHEP activities pursuant to He-W 637.22 and 637.23 shall be eligible for child care scholarshipservices for a total of 104 weeks2 years in a lifetime.

**Readopt with amendment He-C 6910.08, effective 6-29-09 (Document # 9474), as amended effective 5-7-12 (Document #10120), as amended effective 4-4-14 (Document #10565), as amended effective 9-1-15 (Document # 10917), and renumber as He-C 6910.09, to read as follows:**

He-C 6910.~~0809~~ Verification Requirements. In order for an application to be approved, the applicant shall supply verification of eligibility requirements as follows:

(a) The name of each member of the assistance group shall be verified by one or more of the following documents:

- (1) The individual's His/her birth certificate;
- (2) The individual's His/her marriage certificate;
- (3) The individual's His/her divorce decree, if the name to be used subsequent to a divorce is changed;

- (4) ~~His/her~~ The individual's driver's license or other identification which contains a picture of the individual; or
  - (5) If the individual has had a ~~For a~~ legal name change, the court documentation showing the legal name of the individual and the date the name change took effect;
- (b) The date and place of birth of each child in the assistance group for which the parent is requesting a child care scholarship shall be verified by one or more of the following documents:
- (1) The child's ~~His/her~~ birth certificate;
  - (2) The child's ~~His/her~~ baptismal certificate; or
  - (3) The child's ~~His/her~~ US passport;
- (c) When a child was not born in the US but has either become a US citizen or been lawfully admitted to the US, ~~his/her~~ the child's birth record and one or more of the following documents shall be submitted to verify date and place of birth and citizenship status:
- (1) The child's ~~His/her~~ certificate of citizenship or naturalization; or
  - (2) The following US Citizenship and Immigration Services (USCIS) forms or documentation:
    - a. USCIS Form I-551, Permanent Resident card;
    - b. USCIS Form I-327, Re-entry Permit;
    - c. USCIS Form I-94, Arrival Departure Record, stating that the childperson has been admitted to the US as a refugee under Section 207(c) of the Immigration and Nationality Act;
    - d. USCIS Form I-94, Arrival Departure Record, stating that the childperson has been admitted to the US as an asylee under Section 208 of the Immigration and Nationality Act; or
    - e. Documentation from USCIS that the childperson has lawful temporary or permanent resident status under Section 201 or 302 of the Immigration Reform and Control Act;
- (d) The relationship of any adult in the assistance group to the child(ren) in the assistance group shall be verified by one or more of the following:
- (1) The child's birth record containing the name(s) of his or/ her parent(s);
  - (2) The adult's birth record;
  - (3) A marriage certificate containing the names of the parties who were married, including any maiden or previous names used;
  - (4) Any additional birth or marriage records necessary to show the relationship of the child(ren) to the adult(s) in the assistance group;

- (5) For a legal guardian, the court documentation indicating the relationship of the adult to the child as that of a legal guardian; or
- (6) For a caretaker relative, one or more of the following documentation:
- a. A court order giving the caretaker relative the duty of care, custody, and supervision of the child;
  - b. A document showing power of attorney for the child(ren) by the caretaker relative with whom the child(ren) lives; or
  - c. A statement from the child's parent(s) that the caretaker relative is the individual who shall provide care and supervision for the child on his or her behalf;
- (e) To verify a current address, any of the following verifications which show the address of the family shall be acceptable:
- (1) Rental receipts; ~~which show the address of the family;~~
  - (2) If the home is owned, the deed or mortgage receipts ~~which indicate the address of the family;~~
  - (3) Utility or telephone bills ~~which show the address of the family;~~ or
  - (4) A statement from the current landlord ~~that includes the address of the family;~~
- (f) Monthly gross income of each member of the assistance group shall be verified in accordance with He-W 744.01 or He-W 744.03 ~~and/or~~ as follows:
- (1) For self-employment, a parent's current profit and loss statement or the entire IRS tax filing from the previous year, as described in He-C 6910.05.06(d); ~~and~~
  - (2) Any contributions of monies ~~to~~ to the family from any source, verified by a statement from the contributor which indicates the amount, frequency, and expected end date of the contribution;
  - (3) For earned income that fluctuates month to month according to He-C 6910.06(g)(1) a pay stub, or a statement from the employer stating the monthly amount earned;
  - (4) For unearned income that fluctuates according to He-C 6910.06(g)(2), a pay stub, a written statement from the contributor, physical documentation, or a collateral contract;
  - (5) For earned income that fluctuates season to season according to He-C 6910.06(g)(3)(b), either the previous year's tax return or a statement from the employer; or
  - (6) For income that cannot be verified according to (5) above, and which is anticipated to fluctuate over the next 12 month period, verification shall consist of a statement from the employer identifying an estimate of future earnings during the upcoming 12 months.

(g) The applicant shall attest that the family resources do not exceed one million dollars in assets. No member of the assistance group shall have assets equal to or greater than one million dollars according to He-W 601.07.

(h) A Form 1863 "Child care Provider Verification" (February 2017) shall be completed, signed, and submitted by the parent and the child care provider which establishes a link between the child and the child care provider.

(hi) The following verification requirements shall apply for a child experiencing significant special needs:

(1) The parent shall authorize the release of information to DHHS by completing section III of Form 2690 "Verification for a Child Experiencing ~~a~~-Significant Special Needs" (July 2015), and by signing and dating the form, affirming the following:

"By signing below, I authorize this verification to be released to the Department of Health and Human Services. I understand that the information will be held in the strictest confidence and that it will be reviewed by, or shared with, authorized Department of Health and Human Services' staff involved in the authorization of Child Care and Development Fund Scholarships."; and

(2) The child care provider shall complete section I of Form 2690, "Verification for a Child Experiencing ~~a~~-Significant Special Needs" (July 2015), including signing and dating the form, certifying the following:

"I certify that the child's special need(s) is significant enough that the child requires additional funds for accommodation or classroom adaptation in the child care setting." and

(3) A licensed professional shall complete section II of Form 2690, "Verification for a Child Experiencing ~~a~~-Significant Special Needs" (July 2015), including signing and dating the form, certifying that one of the following, is applicable:

a. "I certify that: I am the child's attending physician, physician's assistant, advance practice registered nurse, or licensed mental health professional and am providing ongoing treatment; the child's special need(s) is significant enough that the child requires additional support in a child care setting; and, if the child is 13 through 17 years of age, the child's condition limits the child's ability to care for himself/herself or he/she would cause harm to himself/herself or others without supervision."; or

b. "I certify that I am a SAU Special Education Director or Area Agency Director and I believe that the child's special need(s) is significant enough that the child requires additional support in a child care setting."

(jh) When a parent in a 2-parent household claims that he ~~or~~ she has a disability, acceptable verification shall be a signed and dated statement from an attending physician, physician's assistant, advance practice registered nurse, or licensed mental health professional indicating:

(1) The medical condition, disease, or disability of the adult;

(2) The expected duration of the condition, disease, or disability; and

(3) That the adult is unable to work and to care for and supervise his/ or her child(ren) because of the condition, disease, or disability;

(~~ik~~) For those parents who are ~~not~~-NHEP participants but who are in an approved training or educational program, including any internet training or education programs, the acceptable verification ~~of the training or education~~ shall be a signed and dated statement from the school or training organization indicating:

(1) That the parent is enrolled in the program;

~~(2) That the program shall lead to a degree or certificate at the associate's level or less in a specific field of employment;~~

~~(3)~~ The duration of the program; and

~~(4)~~ The class schedule, including hours of class attendance;

(l) For those parents who are not receiving FANF financial assistance, but who are in an approved training or educational program, including any internet training, or education program the acceptable verification shall be a signed and dated statement from the school or training organization indicating:

(1) That the parent is enrolled in the program;

(2) That the program shall lead to a degree or certificate at the associate's level or less in a specific field of employment;

(3) The duration of the program; and

(4) The class schedule, including hours of class attendance;

(m) For the parents receiving FANF financial assistance and not participating in the NHEP work program, acceptable verification of the training program or course of study, including any internet training or education program, shall be a signed and dated statement from the school or training organization indicating:

(1) The requirements in (l)(1), (3) and (4) above; and

(2) That the program shall lead to a degree or certificate at the associate or bachelor's level or less in a specific field of employment.

(n) When a parent works at least 4 hours on a night shift between 10:00 pm and 6:00 am, acceptable verification shall be a signed and dated statement from the parent's employer, or, if self-employed, the parent's customer, stating the hours of the shift that the individual works each week;

(k) If at redetermination a parent is experiencing one of the circumstances in He-C 6910.10(n), ~~on a medical leave from work~~, the following verifications shall be required:

(1) A signed and dated statement from the employer that the parent is still employed and will be able to return to work following the medical leave or seasonal break in employment; or stating that the parent shall be able to immediately return to his/her job at the end of the leave; or  
~~and~~

(2) Proof of registration for the following semester, or a signed and dated statement from the institution where the parent attends the training or educational program, stating that the parent is still enrolled;

~~(23) A signed and dated statement from an attending physician, physician's assistant, advance practice registered nurse, or licensed mental health professional describing the reason for the medical leave and the anticipated date the parent shall be able to return to his/her activity if the break was due to medical necessity~~

~~(1) If a parent is on a medical leave from a training or education program, the following verifications shall be required:~~

~~(1) A signed and dated statement from the institution where the parent attends the training or educational program stating that the parent shall be able to immediately re-enter the training or educational program at the end of the leave; and~~

~~(2) A signed and dated statement from an attending physician, physician's assistant, advance practice registered nurse, or licensed mental health professional describing the reason for the medical leave.~~

~~(m)(p)~~ When a parent is participating in a job search at initial application or at redetermination, acceptable verification ~~that an individual is participating in job search~~ shall be:

(1) Proof of receipt of unemployment compensation benefits;

(2) A personal summary page from the NH department of employment security's job match;  
or

(3) The verifications described in He-W 637.03(g);

(q) When a parent has a permanent job loss acceptable verification shall be a signed and dated:

(1) Notice of termination from the employer; and

(2) Other verification from the employer that the person is no longer employed.

(r) When a parent applying for expedited child care scholarship parent is homeless as described in the McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11301, acceptable verification shall be a self-declaration from the parent that the family is homeless.

~~(n)(s)~~ When a parent is homeless and either employed, seeking employment, or in an employment related training or educational activity and is seeking housing ~~in the same weekday,~~ acceptable verification shall be a self-declaration stating that the parent is homeless and seeking housing while employed, seeking employment, or in an employment related training or educational activity; the same as

~~in (mn) above and a statement from the director or head of the homeless shelter or temporary housing indicating what attempts to locate housing the applicant or recipient has made. Temporary housing shall be any non permanent living arrangement as described in the McKinney Vinto Homeless Assistance Act, 42 U.S.C. 11301;~~

~~(p)(i)~~ For individuals who are providing care as a license-exempt child care provider in the child's home but whose employment is based on the condition described in He-C 6910.0607~~(+)(j)~~, the individual shall provide a document signed by his or her employer verifying that the provider is prohibited from caring for his or her own children while caring for the employer's children as a condition of the individual's employment and that the employer is not a license-exempt child care provider;

~~(p)(u)~~ For individuals who did not find a child care provider within 30 days when seeking child care through a child care resource and referral agency pursuant to He-C 6910.10~~(q) (m)(+)~~, acceptable verification shall be a letter from the child care resource and referral agency stating that the parent has been working with them and child care has not been identified for ~~that~~ specific child;

~~(q)(v)~~ When a child or parent has had an in-patient hospital stay within the past 30 days as described in He-C 6910.10~~(r)(2)(n)(2)~~, acceptable verification shall be the discharge statement, hospital record, or a statement from the attending physician; and

~~(+)(w)~~ When a parent is engaged in an employment related training or educational activity, as described in He-C 6910.13~~(e)12(f)~~, acceptable verification of satisfactory progress shall be a report card or signed and dated statement from an organization or agency, or the educational or training facility, indicating that the parent is meeting the minimum standards as defined in He-C 6910.03~~(a)k)~~.

**Renumber with amendment He-C 6910.09, effective 5-7-12 (Document #10120), as amended effective 9-1-15 (Document 10917), and renumber as He-C 6910.10, to read as follows:**

#### He-C 6910.109 Eligibility Determination and Length of Time.

(a) When an application has been made in accordance with He-C 6910.04 and all required verification has been submitted as described in He-C 6910.098, the District Office staff shall make a determination of eligibility for a child care scholarship.

(b) If at the time of the initial application interview ~~not~~ all required verifications have not been submitted, the District Office staff shall give the applicant notification listing of all outstanding the verification(s). ~~which are still required to determine eligibility.~~

(c) The notification in (b) above shall state that the applicant ~~must~~shall submit the required verification(s) to the ~~District Office~~ staff within 10 calendar days of the date of the notification, or the application shall be denied.

(d) An eligibility determination for a child care scholarship shall be made ~~within:~~

(1) Within 30 calendar days of the date of application; or

(2) Within 7 calendar days of the date of application for expedited child care as set forth in He-C 6910.05; or

30 calendar days of the date of application.



(e) Eligibility for expedited child care scholarship shall terminate 30 days after the date of application. If determined eligible for child care scholarship, the expedited period of time shall be applied toward the 12 month period of eligibility.

~~(e)(f)~~ Non-financial ~~Eligibility~~ for a child care scholarship shall be determined ~~by~~ as follows:

(1) ~~Determining the composition of the assistance group~~~~The assistance group composition shall be determined, which shall include~~ing all of the following individuals residing in the same dwelling:

- a. All children under 18 years of age who have a biological, foster, step, or adoptive relationship;
- b. All children up to the age of 20 who have a biological, foster, step, or adoptive relationship if they are attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b); and
- c. Any adult who has a biological, foster, step, adoptive, caretaker relative, or legal guardianship relationship to any child in a. above; and

(2) ~~An~~The applicant ~~is either: shall comply with the following or shall be determined not eligible for a child care scholarship and the application denied~~

- a. ~~The applicant shall be~~Engaged in one of the activities listed in He-C 6910.07(e)~~06(d)~~; or
- b. ~~The applicant shall m~~Meets the criteria for a parent with a disability as described in He-C 6910.0908(ij);

(3) When 2 parents live together in the same assistance group, both shall be engaged in at least one of the activities ~~comply~~described in ~~with~~ He-C 6910.076(e), (f) or (g)(d) or shall not be eligible for a child care scholarship and the application denied; and

(4) When an applicant is a NHEP participant, he or /she shall be eligible under He-C 6910.087, ~~or shall not be eligible for a child care scholarship and the application denied;~~

~~(5)(g)~~ Financial eligibility for ~~To determine if a family is financially eligible for a~~ child care scholarship shall be determined by the district office pursuant to ~~under~~ He-C 6910.0605(a), ~~the DO staff shall~~as follows:

~~a~~(1) Determine the family size which shall be the same number as members in the assistance group;

~~b~~(2) Calculate the monthly gross income of the assistance group by adding together all assistance group members' monthly gross earned and unearned income, except for:

~~1a~~. Income specifically excluded in He-C 6910.06(c)05(e); and

~~2b~~. Self-employment income, which shall be added as net income as described in He-C 6910.065(d); and

(3)e. Compare the result obtained in b(2)- above, using the appropriate family size as determined in a(1)- above, to the monthly gross income amount described in He-C 6910.06(b) 05(b) as follows:

1a. If the assistance group's total monthly gross income does not exceed the monthly gross income amount described in He-C 6910.06(b) 05(b), then the family shall be determined financially eligible for a child care scholarship; or

2b. If the assistance group's total monthly gross income does exceed the monthly gross income amount described in He-C 6910.0506(b) for the appropriate family size, the family shall be determined not financially eligible for a child care scholarship and the application shall be denied;

(6)(h) If the assistance group meets the non-financial and financial requirements described in (4)- (5)(f) and (g) above and He-C 6910.0605 and He-C 6910.0607, then the application shall be approved and the family shall be eligible for a child care scholarship;

(8)(i) Notification shall be mailed to the applicant as described in He-C 6910.12 as soon as an eligibility child care determination is made, but no later than 30 days from the date of the application;

(j) The eligibility period for a child care scholarship shall begin on the day the application was received at the district office in paper form, via telephone, e-mail or through NH Easy, if the family was determined eligible;

~~(7) A child shall be excluded from the payment for a child care scholarship if he/she does not meet any one of the following:~~

~~a. The citizenship criteria of He-C 6910.08(b) or (c);~~

~~b. The age criteria of He-C 6910.06(b)(3) or (c);~~

~~c. The child experiencing a significant special need criteria of He-C 6910.06(e); or~~

~~d. No payment was made on the child's behalf for child care services rendered in the previous 90 days;~~

(8)(k) Notification shall be mailed to the applicant as described in He-C 6910.12~~1~~ as soon as an expedited child care eligibility determination is made, but no later than ~~30~~7 days from the date of the application;

(l) The eligibility period for a child care scholarship shall not exceed 12 months;

(m) When a parent reports a permanent job loss or cessation of training, or educational activity, the parent shall receive a 92 calendar day job search. If the parent does not engage in one of the activities in He-C 6910.07(e)(1), (3), (4) or (5) prior to the end of the 92 calendar days, child care will close;

(n) Eligibility shall continue during the 12 months as long as the parent(s) is considered employed or in a training or educational program even while the parent is:

(1) On a medical leave due to his or her own health or caring for another family member in the household;

(2) Experiencing a seasonal break in employment according to regular industry work seasons;

(3) On a student holiday or break from a training or educational activity;

(4) Experiencing any other reduction in work, training or education hours as long as the parent(s) is still working or attending a training or educational program;

(o) The eligibility period for expedited child care shall not exceed 30 calendar days after the date of the application;

~~(7)(p)~~ A child shall be excluded from the payment for a child care scholarship if he or she does not meet any one of the following:

~~(1)a.~~ The citizenship criteria of He-C 6910.08(b) or (c);

~~(2)b.~~ The age criteria of He-C 6910.06(b)(3) or (c);

~~(3)e.~~ The child experiencing a significant special need criteria of He-C 6910.06(c); or

~~(4)d.~~ No payment was made on the child's behalf for child care services rendered in the previous 90 days;

~~(9)(q)~~ The family shall have 30 days from the date in ~~(8)(j)~~ above to arrange for child care with an enrolled provider and return a completed ~~fo~~ Frm-25301863, titled "Child Care Provider Verification," (February 2017~~March 2009~~) pursuant to He-C 691410.20;

~~(10)(r)~~ If the family fails to comply with ~~(9)(p)~~ above, child care eligibility shall be terminated except when DHHS has authorized one 30 day extension for one of the following circumstances:

~~(1)a.~~ The family is unable to find child care within 30 days with assistance from a child care resource and referral agency;

~~(2)b.~~ The parent or child has an in-patient hospital stay during the 30-day period; ~~or~~

~~(3)e.~~ The information or data contained in Form 1863 ~~Incorrect or no data wh~~ incorrect or no data has been entered by DHHS establishing regarding the a-child care link;

(4) There was an error made in determining child care eligibility; or

(5) The family's chosen child care provider has completed the enrollment requirements in accordance with He-C 6914.04(n) within 30 days but the provider enrollment determination has not been made according to He-C 6914.04(o).

~~(11) The month of application shall be the first month of the eligibility period, regardless of what day of the month the family applied;~~

~~(12) Eligibility for a child care scholarship shall begin on the day the application was received at the District Office on paper, via telephone or electronically, if the family was determined eligible;~~

~~(13) The eligibility period for a child care scholarship shall not exceed 12 months, except when the family is also receiving FANF financial assistance or food stamps the end date of the eligibility period shall be adjusted to coincide with the eligibility period of those programs; and~~

~~(14)(s)~~ Prior to the end of the eligibility period, the family shall request a redetermination of eligibility in accordance with He-C 6910.1~~54~~ in order to continue to receive a child care scholarship.;

~~(a)~~

~~(15) After initial eligibility has been met, a parent's child care scholarship shall enter an up to 92 calendar day period of graduated phase out if the parent's income exceeds 250% of the Federal Poverty Guidelines, but remains less than 85% of the State Median Income.~~

**Readopt with amendment He-C 6910.10 and He-C 6910.11, effective 5-7-12 (Document #10120) and renumber as He-C 6910.11 and He-C 6910.12, to read as follows:**

He-C 6910.1~~140~~ Child Care Assistance Wait List.

(a) When annual departmental cost projections reflect that available funds will be over-expended for the current fiscal year, a wait list shall be established consisting of all families applying for or receiving child care scholarship for the provision of additional child care scholarships.

(b) The following children shall be exempt from the wait list in (a) above:

(1) ~~Children currently receiving preventive and protective services, or e~~Children whose parent applies for employment-related child care scholarship within 92 calendar days of the child's preventive ~~and/or~~ protective services closing; ~~and~~

(2) Children in families currently receiving FANF benefits or children whose parent applies for employment-related child care scholarship within 92 calendar days of the parent's FANF ~~ending~~ closing; ~~and~~

(3) Children currently experiencing homelessness as defined in He-C 6910.03(j), or children whose parent(s) apply for employment related child care scholarship within 92 calendar days of finding housing after experiencing homelessness.

(c) The department shall not pay for child care services provided to a child while he or she is on the wait list.

(d) A family shall comply with all eligibility requirements and be determined eligible in accordance with He-C 6910.0~~56~~, or He-C 6910.07, ~~and through~~ He-C 6910.0~~78~~ before being placed on the wait list.

(e) A family who has a child(ren) on the wait list shall be subject to redetermination of child care family scholarship eligibility every 12 months, ~~as described in He-C 6910.09(e)(13).~~

(f) ~~If a~~A family shall report the start or permanent loss of a job, the start or cessation of employment related training or educational activity, or if the family's gross income exceeds 220% of federal poverty guidelines while on the wait list.

(g) If a family is determined ineligible or fails to maintain ~~their~~ eligibility status, ~~the~~ child(ren) shall be removed from the wait list and child care eligibility shall be terminated.

~~(g)~~(h) If a child has been removed from the wait list, pursuant to ~~(f)~~(g) above, the family shall re-apply, be determined eligible for a child care scholarship, and be added to the child care scholarship wait list. The new application date shall determine the child's position on the wait list.

~~(h)~~(i) The wait list shall be prioritized into the following groups:

(1) The first priority group shall include:

- a. Children in families with monthly gross income at or under 100% of the federal poverty level; and
- b. Siblings of children who are members of a currently eligible family with an approved provider and are actively receiving assistance; and

(2) The second priority group shall include all other children determined eligible for child care ~~assistance~~scholarship who do not meet the criteria of the first priority group in (1) above.

~~(i)~~(j) Eligible children shall be added to the wait list ~~(h) above~~ according to the date on the application submitted according to He-C 6910.04(f) of their signed and dated application submission.

~~(j)~~(k) As funds become available, funds shall be released to offer a child care scholarship to children on the wait list in priority order, as follows:

(1) According to the date of a family's signed and dated application submission; and

(2) Alternating between:

- a. Two children from the first priority group in ~~(h)~~(i)(1) above; and
- b. One child from the second priority group in ~~(h)~~(i)(2) above.

~~(k)~~(l) When a child care scholarship becomes available to a child on the wait list, families shall receive notification stating the following:

(1) The date that one or more of their children has been released from the wait list;

(2) The date in (1) above shall be the date that funds are available for payment; and

(3) No payment shall be made for child care services received prior to the date in ~~(k)~~(l) above.

~~(l)~~(m) The family shall have 30 days from the date in ~~(k)~~(1) above to arrange for child care with an enrolled child care provider and return the provider verification form identified in He-C 6910.0909~~(e)~~(9)(h) to DHH ~~SS, pursuant to He-C 6910.20.~~

~~(m)~~(n) If the family fails to comply with (l)~~(1)~~ above, child care eligibility shall be terminated, except for the following circumstances:

(1) The family is unable to find child care within 30 days with assistance from a child care resource and referral agency;

- (2) The parent or child has an in-patient hospital stay during the 30-day period; or
- (3) ~~Incorrect or no data has been entered regarding the child care link. The information or data contained in Form 1863 "Child Care Provider Verification" (February 2017) was incorrectly entered, or no data was entered by DHHS establishing a child care link;~~
- (4) ~~There was an error made in the DHHS determination of child care eligibility; or~~
- (5) ~~The family's chosen child care provider has completed the enrollment requirements in accordance with He-C 6914.04(n) within 30 days, but the provider enrollment determination has not been made according to He-C 6914.04(o).~~

~~(n)(o)~~ When a single parent in the military is receiving a child care scholarship and the parent is placed on orders or deployed for a period longer than 30 days, the child care scholarship shall continue until: ~~shall be released from the wait list when the following are completed:~~

- (1) The parent's child care scholarship is terminated and the parent appoints a legal guardian or caretaker relative for ~~his/her~~his or her child(ren);
- (2) The legal guardian or caretaker relative applies for a child care scholarship and the child is placed on the wait list until a determination is made on the legal guardian's or caretaker relative's eligibility to receive a child care scholarship; and
- (3) The legal guardian or caretaker relative is found eligible to receive a child care scholarship, and the child is released from the wait list.

~~(n)(p)~~ When the single parent returns from orders or deployment and assumes guardianship of ~~his/her~~his or her child, the child if on a wait list, shall be released from the wait list when the following are completed:

- (1) The legal guardian's or caretaker relative's child care scholarship is terminated;
- (2) The parent reapplies to receive a child care scholarship, and the child is placed on the wait list until a determination is made on the parent's eligibility to receive assistance; and
- (3) The single parent is found eligible to receive a child care scholarship at the time the child is released from the wait list.

#### He-C 6910.12~~4~~ Notification to Applicants, Recipients, and Providers.

(a) A family shall receive notification whenever a child care scholarship is ~~approved,~~ denied including the reason for the denial, ~~or when a child is added to or released from the wait list.~~

(b) A family and provider shall receive notification whenever a child care scholarship is approved, increased, decreased, redetermined, terminated, when a child is added to or released from the wait list, or when DHHS establishes or ends the link between the child and provider that controls payments.

(c) Notifications to families and providers shall contain the following information, as applicable:

(1) The reason for notification including one or more of the following:~~The eligibility decision shall include one or more of the following:~~

a. A child care scholarship ~~An~~ approval;

~~b. A denial;~~

~~eb.~~ A cost-share increase or decrease;

~~ec.~~ A redetermination of eligibility;

~~ed.~~ A termination;

~~fe.~~ An addition to the wait list;

~~gf.~~ A release from wait list; or

~~hg.~~ Information relative to whether the child's link to the child care provider is opening or closing;

(2) Decisions impacting on-going eligibility including shall contain one or more of the following:

a. Initiation of job search activity;

b. At 72 days, Information relative to the end of the job search-activity timeframe;

c. At 45 days, information relative to the close of the lifetime limit of 104 weeks for employment related training and educational activities;

d. At 84 weeks, information relative to the close of the lifetime limit of 104 weeks for employment related training and educational activities;

e. Initiation of a graduated phase out; and

f. At the 10<sup>th</sup> month, information relative to the end of GPO;

~~(2) The reason for the decision;~~

(3) The eligibility period, for an approval or redetermination;

(4) The proposed effective date of the decrease in assistance or termination; ~~denial, decrease in assistance, or termination;~~

(5) The proposed effective date at redetermination of a graduated phase out or a change in cost share;

~~(5) The maximum income limit for the family size;~~

~~(6) For the notification to families, the total monthly gross income amount for the assistance group;~~

~~(7) For the notification to families, the income computation used to determine the eligibility decision;~~

~~(6)(8)~~ If the family is determined eligible, each eligible family member's name and DHHS recipient identification number, which is a uniquely assigned number for each assistance group member;

~~(7)(9)~~ The family cost share based on the percent of the family monthly gross income and household size per He-C 6910.18;

~~(8)(40)~~ Authorized service level, full time, half time, or part time for the child(ren);

~~(9)(44)~~ The right to appeal in accordance with He-C 6910.1923 if the family is aggrieved by the eligibility decision; ~~and~~

~~(10) DHHS decision to seek recoupment of an overpayment from either the parent, the provider or both; and~~

~~(42)(11)~~ Funds are now available and the child is now released from the wait list.

(d) Notifications to families in (b) above shall include the following additional information, as applicable:

(1) The maximum income limit for the family size;

(2) The total monthly gross income amount for the assistance group; and

(3) The income computation used to determine the eligibility decision.

~~(4)(e)~~ When a termination is the result of the family's failure to complete the redetermination process, the family shall not receive notification in accordance with this section.

**Readopt with amendment He-C 6910.12, effective 5-7-12 (Document #10120) as amended effective 4-4-14 (Document 10565), and renumbered as He-C 6910.13, to read as follows:**

He-C 6910.132 Limitation of a Child Care Scholarship in Certain Situations. Insofar as funding and resources allow, a child care scholarship shall ~~be unlimited in duration continue~~ if the family ~~meets and continues to~~ meets the program requirements of He-C 6910, except as follows:

(a) For families for which a job search ~~is the only~~ activity is approved for one or more parents the following shall apply:

(1) Each parent shall be allowed~~the family may use~~ a maximum of 40-92 calendar days of child care scholarship~~, not to exceed 30 hours per week, including commute time, in any 6-month period in order to engage in job search or engage in job search and seek housing in the same week; to seek employment, or to seek employment and housing on the same day when:~~

~~a(1) The family has applied for FANF financial assistance but an eligibility determination has not yet been made; or~~



~~(2) b. The family is not receiving FANF financial assistance but is otherwise eligible for child care assistance in accordance with He C 6910;~~

(2) Child care scholarship shall terminate at the end of 92 calendar days if the parent or parents in job search has not secured employment or entered an approved training or employment related educational program; and

(3) A parent shall engage in employment, an employment related training or educational program, NHEP, or basic education activity before a new job search shall be granted as a new activity;

(4) If both parents are engaged in a job search, but began job search on different dates, the child care scholarship shall terminate on the date which is the end of the earlier 92 calendar day job search period, if one or both parents has not secured an employment, employment related training or educational activity during the job search;

either parent has not secured employment.

~~(b) If FANF financial assistance is denied, the number of days of child care scholarship received while waiting for the eligibility decision shall count toward the 940 day maximum described in (a)(1) above;~~

(b)(e) A parent participating in NHEP shall be subject to the limitations identified in He-C 6910.08;

(c) A parent who is not receiving FANF financial assistance shall be eligible for a child care scholarship during the training program or course of study when the training or educational program or course of study:

(1) Prepares the parent for employment;

(2) Leads to a degree or certificate in a specific field of employment;

(3) Does not exceed 2 years~~104 weeks~~ of child care scholarship payment study in a lifetime;

(4) Is not a single course apart from a degree or certificate program; and

(5) The program shall lead to a ~~Does not result in a~~ degree or certificate at the ~~bachelor~~associate's level or ~~high~~lower;

(d) For the parent receiving FANF financial assistance and not participating in the NHEP work program, the training program or course of study:

(1) Shall comply with the requirements in (c)(1) through (4) above; and

(2) May result in a degree or certificate at the associate's or bachelor's level;

~~(e) Families participating in NHEP shall be subject to the limitations identified in He C 6910.07;~~

~~(f)~~(e) Families in which a parent is engaged in basic and alternative educational activities, which lead to a high school diploma or equivalent, or increase literacy levels, shall not be subject to the 104

week lifetime limit for training and educational programs, eligible for child care scholarship contingent upon the parent's ongoing satisfactory progress as defined in He-C 6910.03~~(ak)~~(aq) in one of the following programs:

- (1) High school diploma program;
- (2) High School Equivalency Testing General Educational Development(HiSET) program;
- (3) Remedial or basic education program; or
- (4) English as a second language;

~~(gf)~~ Families not receiving FANF financial assistance who are participating in work study or internship shall:

- (1) Be considered to be employed; and
- (2) Have any income received from the work study or internship counted as part of the family's monthly gross earned income in the determination of assistance in accordance with He-C 6910.09(f)09(e)(5)b; and

~~(hg)~~ A child care scholarship shall not be paid by DHHS when a parent is participating in a prerequisite course in preparation for a post-secondary education or training program except in the case of the a nursing program, in which case the prerequisite courses shall be limited to 2 and shall count towards the 2-104 weekyear lifetime limit;

~~(i) A child care scholarship payment shall not be made by DHHS when a parent exceeds 184 days6 weeks of medical leave within a 12 month period;~~

~~(jh)~~ If the provider's link with a specific child is terminated due to non-payment for the dates of child care services rendered within the past 90 days, the department shall send notification informing the parent of the termination of the provider's link between the child and the provider;

~~(ki)~~ When the provider has not billed for services rendered within the past 90 days, the parent shall submit the new provider verification ~~Form 25301863~~ "Child Care Provider Verification" (February 2017) identified in He-C 6910.2009(h) within 10 days of the date of the notification in ~~(jh)~~ above; and

~~(lj) If the family fails to comply with (i) above, the child care scholarship shall be terminated, fails to comply with (k) above, the child's eligibility for a child care scholarship shall be terminated, unless the family is unable to find child care within 10 days with assistance from a child care resource and referral agency.~~

**Readopt with amendment He-C 6910.13, effective 5-7-12 (Document #10120), and renumber as He-C 6910.14, to read as follows**

He-C 6910.143 ~~Reporting Changes.~~ Reporting Changes During the 12 Month Eligibility Period.

(a) During any 12 month eligibility period, Tier 1 or Tier 2, a parent shall report changes in any of the circumstances below to the district office staff within 10 calendar days of the date when the change

occurs when: ~~A change in any of the family circumstances listed below shall be reported by the recipient to the staff within 10 days of the date the change occurs:~~

(1) ~~The composition of the assistance group, such as, an individual leaving or moving in~~The household income increases to an amount exceeding 85% of SMI;

(2) ~~There is a change in the child care provider who is providing child care services;~~A change of address;

(3) ~~There is a permanent~~The income of any member of the assistance group, such as, but not limited to, a change in the hourly rate of pay, the number of hours worked, or ~~loss of~~ or start of employment;

(4) A parent begins or ends a training or educational program; or

~~(5)(4) break as described in He-C 6910.0; The provider who is providing child care services for one or more of the children; or~~

(5) ~~Employment related activity, such as, but not limited to, ending job search when employment is found or ending training or education activities to enter into job search activities~~There is a change in household assets such that their cumulative value is in excess of one million dollars.

(b) Within 10 calendar days of the reported change, DHHS shall:

(1) Review whether the assistance group continues to be eligible once a change in circumstances as described in (a) above has been reported and ~~the facts~~ verified subject to He-C 6910.~~0908~~;0908; and

(2) Send notification to the parent(s) and child care provider family if the reported change results in a decrease, increase, or termination of a child care scholarship ~~and family cost share~~ as described in He-C 6910.~~124~~.124.

(c) ~~Any decrease in a child care scholarship or t~~Termination of eligibility that results from a change in family circumstances shall be effective 10 calendar days from the date of the notification, unless the ~~family-parent(s)~~ family-parent(s) requests a continuance of a child care scholarship pending the outcome of an appeal in accordance with He-C 6910.~~1923(b)~~.

(d) Termination of child care scholarship eligibility that results from a change in family income exceeding 85% of SMI, shall be effective on the date of the notification from DHHS.

(e) A family shall report any decrease in income during the 12 month eligibility period, Tier 1 or Tier 2, and have the cost share recalculated for the remainder for the eligibility period.

**Readopt with amendment He-C 6910.14, effective 5-7-12 (Document # 10120), as amended effective 9-1-15 (Document # 10917), and renumber as He-C 6910.15, to read as follows:**

He-C 6910.15 ~~14~~ Redetermination of Eligibility.

(a) Eligibility for a child care scholarship shall terminate at the end of the eligibility period unless the parent has requested and completed a redetermination in accordance with He-W 606.100 or He-W 606.101 no later than the last day of the prior year's application month.

(b) The purpose of the redetermination shall be to verify and update the information and documentation provided on the application or at the most recent redetermination in an effort to determine current child care eligibility.

(c) A redetermination shall be conducted in the same manner as an application in accordance with He-C 6910.04, ~~and He-C 6910.06 and He-C 6910.09~~, except:

(1) Verification of information regarding assistance group members, such as name, address, birth information, and citizenship, shall not be required unless changes in assistance group composition or address have occurred since application or the most recent redetermination;

(2) Verification of current child care provider on Form ~~2530~~1863 "Child Care Provider Verification" (~~February 2017~~March 2009) shall not be required if no information on the previously submitted form has changed; or

(3) For a child experiencing ~~a~~ significant special need(s), verification ~~of the significant special need~~ on Form 2690 "Verification for a Child Experiencing Significant Special Needs" (July 2015) shall not be required if the condition is considered chronic and non-changing as indicated by the attending physician, physician's assistant, advance practice registered nurse, or licensed mental health professional at the time of application or when verification of the significant special need(s) was previously submitted on Form 2690 "Verification for a Child Experiencing Significant Special Needs" (July 2015).  
~~or~~

~~(4) Families whose eligibility period is determined in accordance with He-C 6910.09(e)(13) shall meet the personal interview requirements specified in He-W 636.01.~~

(d) At the redetermination interview the district office shall give the applicant a list of any outstanding verifications required to determine child care eligibility.

~~(e)~~ Continued child care eligibility shall be determined in accordance with He-C 6910.0910 and the eligibility period shall continue for another 12 months, ~~or in accordance with He-C 6910.09(e)(13).~~

(f) The redetermination shall be completed even when a parent is experiencing one of the circumstances in He-C 6910.10(n).

The following shall apply to redetermination of a child care scholarship during a :

(g) Any parent, who fails to complete the redetermination during a break or shall have his or her child care scholarship terminate at the end of the 12 month eligibility certification period.

~~(2) Any who fails to return to their approved activity will have their child care scholarship terminated at the end of the break, regardless of the redetermination outcome.~~

~~(h) If at redetermination it is determined that the family does not meet the initial eligibility threshold, Tier 1, due to an increase in income greater than 220% but equal to or less than 250% of the federal poverty guidelines, the recipient-parent shall receive a 12 month graduated phase out eligibility period, Tier 2.~~

~~(i) If at any time during graduated phase out, Tier 2, a family reports income that decreases below 221% of the FPG, the family eligibility level returns to Tier 1.~~

~~(j) If at any time during graduated phase out, Tier 2, the family income exceeds 85% of state median income (SMI), child care scholarship eligibility shall terminate.~~

~~(k) If at redetermination the family's income exceeds 250% FPG, child care scholarship eligibility shall end.~~

~~(l) If at redetermination it is determined that the family income has decreased, the cost share shall be recalculated.~~

~~(me)~~ The family shall receive notification regarding the redetermination of eligibility decision in accordance with He-C 6910.12~~4~~.

~~(fn)~~ If the family is determined to be no longer eligible, a child care scholarship shall end on the date specified on the notification, unless continuation of a child care scholarship is requested pending the outcome of an appeal in accordance with He-C 6910.19~~23(b)~~.

~~(go)~~ If a family requests a redetermination after the end of the family's eligibility period, the request shall be treated as a new application in accordance with He-C 6910.04, and, if found eligible, a new eligibility period shall begin on the day the application was received in the District Office~~Θ~~ and shall be subject to the wait list pursuant to He-C 6910.11,40.

~~(hp)~~ If at the time of redetermination it is reported by the family that a new provider is providing child care services, that provider shall be enrolled in accordance with He-C 6910.420 before payment can be made to the provider.

**Repeal He-C 6910.15, effective 4-4-14 (Document # 10565), as amended effective 9-1-15 (Document # 10917) as follows:**

~~He-C 6910.15 Medical Leave from Work and Breaks in Education or Training Programs.~~

~~—— (a) When a parent is on a medical leave, he or she shall be considered employed for up to 6 weeks if the verification requirements in He-C 6910.08(l) have been met including an assurance from his or her employer of immediate re-entry to his/her job with the same employer when the leave ends.~~

~~—— (b) When a parent is on a medical leave, he or she shall be considered in training or education for up to 6 weeks if the verifications in He-C 6910.08(m) have been met including an assurance from the training or education program that the parent is assured of immediate re-entry in the program when the leave ends.~~

~~—— (c) The level of service authorized for the parent prior to the start of his or her medical leave shall be authorized for the duration of the medical leave.~~

~~—— (d) When a parent takes a scheduled, short-term break from his/her training program or course of study, the child care scholarship eligibility shall continue whether or not the child(ren) is cared for by the provider, when the following apply:~~

~~(1) The child(ren) would otherwise lose the availability to be cared for by that provider; and~~

~~(2) The total number of days of the break or breaks does not exceed 30 days in any 12-month period.~~

~~—— (e) A scheduled, short-term break shall not include the summer break in a training program or course of study, and the child care scholarship shall not be paid during that time, regardless if the training program or course of study has a scheduled summer break.~~

~~—— (f) When a parent takes an unscheduled or long-term break exceeding 30 days from his/her training program or course of study, the following shall apply:~~

~~(1) Child care scholarship shall terminate if the parent is not participating in employment or a job search; and~~

~~(2) For the parent not receiving FANF financial assistance as described in He-C 6910.12(c) and the parent receiving FANF and not participating in the NHEP work program, the unused portion of the original 2-year lifetime limit shall be available when the parent:~~

~~a. Reapplies for child care scholarship;~~

~~b. Meets eligibility criteria in accordance with He-C 6910; and~~

~~c. Returns to the same training or education program.~~

**Readopt with amendment He-C 6910.16, effective 4-4-14 (Document # 10565), to read as follows:**

~~—— He-C 6910.16 Service Level Determination Required Activities for Child Care Scholarship Payments.~~

(a) Child care authorized service level scholarships shall be authorized at initial eligibility and at redetermination and limited only to the hours that the parent applicant or recipient is participating in one or more of the following activities:

~~-(a)(1) At work;~~

(2) Looking for work;

(3) ~~or looking for work;~~

Looking for work and housing in the same week as describe in He-C 6910.07(f);

~~(b)(34)~~ In training or attending class, including internet training;

(5) ~~—(e)~~ In a work study, subject to the limitation in He-C 6910.42~~(g)~~13(f) for non-FANF recipients;

~~(d)(6)~~ Required to participate in a NHEP activity as described in He-W 637;

~~(e)(7)~~ Performing duties for VISTA;

~~(f)(8)~~ Commuting equal to one hour per day in one or more approved employment related activities not to exceed one hour per day when those commutes are related to (a1) through (e7) above;

~~(g)(9)~~ Studying, not to exceed the number of classroom hours spent in a week, and only if billed within the same week as those classroom hours; or

~~(h)(10)~~ Resting, not to exceed the number of hours worked, if the parent works any 4 hours of the day from 10:00 p.m. to 6:00 a.m. and the child would otherwise be without care and supervision.

(b) The authorized service level shall remain unchanged during any 12 month eligibility period unless the parent reports a change in employment related activities that increases the authorized service level;

(c) The authorized service level shall remain the same as the authorized service level prior to the parent experiencing one of the circumstances in He-C 6910.10(n) unless the parent requests otherwise;

(d) In a job search period following the permanent loss of a job or end of a training or educational activity, the authorized service level shall remain the same as the authorized service level prior to the start of job search.

**Readopt with amendment He-C 6910.17, effective 4-4-14 (Document # 10565), as amended effective 9-1-15 (Document # 10917), to read as follows:**

He-C 6910.17 Child Care Scholarship Standard Rate Methodology.

(a) The full time ~~C~~child care weekly standard ~~weekly~~ rates shall be established by utilizing a federally required market rate survey (MRS) of New Hampshire licensed child care center and licensed family child care home rates conducted every 2 years.

(b) Weekly ~~S~~standard ~~weekly~~ rates shall be established for licensed child care centers and licensed family child care homes at the 50th percentile of the most recent MRS for each age category as established by DHHS.

(c) A weekly standard ~~weekly~~ rate for license-exempt child care home providers shall be established at 70% of the licensed family child care home standard rate for each age category.

(d) A weekly standard ~~weekly~~ rate for license-exempt child care centers shall be established at 50% of the licensed child care center standard rate.

(e) The child care scholarship payment to the child care provider shall be the amount remaining after comparing the provider's charge for the service to the DHHS weekly standard rate, then subtracting the family's cost-share from whichever is the lower rate.

(f) The weekly standard ~~weekly~~ rate for licensed and license exempt child care centers and license and license-exempt family homes shall be proportioned from the full time weekly standard rate for half time and part time child care.

(g) In addition to the standard rates above, a supplemental payment of \$50.00 full time, \$30.00 half time, and \$15.00 part time per week shall be paid for a child experiencing a significant special need(s) subject to the verification described in He-C 6910.09(i)08(g).

(h) The supplemental payment in (g) above shall be effective the Monday following the approval date on Form 26902890 "Verification for a Child Experiencing Significant Special Needs" (July 2015).

(i) When a child's age in months reaches the beginning of a new age category, that is, one of the following 0-17, 18-35, 36-78 or 79-155 months for payment, pursuant to He-C 4002.01, the payment rate shall be changed effective the Monday following the change in age category.

(j) The child care scholarship payments established pursuant to He-C 6910 are contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

**Readopt He-C 6910.18, effective 5-7-12 (Document # 10120), as amended effective 7-1-13 (Document # 10370), to read as follows:**

He-C 6910.18 Cost -Share Determination.

(a) ~~If an application is approved, A~~ family's child care scholarship cost-share shall be determined as a percent of the family's ~~within one of 7 steps and be determined as a percent of~~ monthly gross ~~family~~ income adjusted for family size shown in Table 6910.1 as follows:

(1) Families whose monthly gross income is less than or equal to 100% of ~~or below~~ the FPG described in He-C 6910.0506(b) shall be eligible for step 1, Tier 1;

~~(2) If an assistance group is applying for FANF financial assistance and contains an adult member who is participating in job search, then the assistance group shall be eligible for step 1;~~

~~(3)~~ Families whose monthly gross income is greater than 100% ~~to~~ and less than or equal to 120% of the FPG as described in He-C 6910.0506(b), shall be eligible for step 2, Tier 1;

~~(4)~~ Families whose monthly gross income is greater than 120% ~~to~~ and less than or equal to 140% of the FPG as described in He-C 6910.0506(b) shall be eligible for step 3, Tier 1;



(54) Families whose monthly gross income is greater than 1440% and less than or equal to~~to~~ 160% of the FPG as described in He-C 6910.0506(b) shall be eligible for step 4, Tier 1;

(65) Families whose monthly gross income is greater than 1640% and less than or equal to~~to~~ 190% of the FPG as described in He-C 6910.0506(b) shall be eligible for step 5, Tier 1;

(76) Families whose monthly gross income is greater than 1940% and less than or equal to~~to~~ 220% of the FPG as described in He-C 6910.0506(b) shall be eligible for step 6, Tier 1; and

(87) Families whose monthly gross income is between 221% and 250% of the FPG according to the “Poverty Income Guidelines for All States except Alaska and Hawaii and the District of Columbia” published annually in the federal register at 81 FR 4036 (January 25, 2016) as described in He-C 6910.0506(b) shall be eligible for a graduated phase out at step 7, Tier 2;

(b) If at initial eligibility or redetermination, a family’s monthly gross income is less than or equal to 220% FPG as described in He-C 6910.06(b), the family’s cost share shall be determined at steps 1-6 and considered in Tier 1. Families shall not be determined initially eligible at step 7.

(c) If at redetermination the monthly family gross income exceeds the initial eligibility threshold of (a)(1)-(6) above, Tier 1, and is less than or equal to 250% of FPG, the family is eligible for one 12 month graduated phase out period, Tier 2, at step 7.

(d) Cost share shall not increase during any 12 month eligibility period whether Tier 1 or Tier 2;

(e) Cost share shall decrease as a result of any decrease in income during a 12 month eligibility period, unless income was annualized at initial eligibility or redetermination;

(f) Changes in the monthly gross income limit used to calculate eligibility shall be effective on the first day of July following publication of the annual update of the federal poverty ~~income~~ guidelines in the Federal Register.

(g) Family cost \_share shall be calculated by taking the family’s monthly gross income, adjusted for family size, multiplied by the cost \_share percent associated with the step assigned to the family from Table 6910.1 and divided by 4.33.

(h) Family cost share shall be recalculated to a rate no higher than the original cost share determined at the beginning of the current eligibility period.

(i) A family may report any decrease in income during the 12 month eligibility period, Tier 1 or Tier 2, and have the cost share recalculated for the remainder of the eligibility period.

Table 6910.1 Eligibility and Family Cost \_share (Based on Percent of Family Income)

Step	Federal Poverty Guidelines	Family Cost _Share Assigned to Family
1 <u>Tier 1</u>	Less than 100% FPG	<del>4.750%</del>
2 <u>Tier 1</u>	<del>&gt;101100%</del> <u>&gt;101100%</u> <del>&lt;=120%</del>	7.50%
3 <u>Tier 1</u>	<del>&gt;1240%</del> <u>&gt;1240%</u> <del>&lt;=140%</del>	10.00%

4 <u>Tier 1</u>	<u>≥140+</u> % <u>≤to</u> 160%	12.50%
5 <u>Tier 1</u>	<u>≥160+</u> % <u>≤to</u> 190%	14.00%
6 <u>Tier 1</u>	<u>≥190+</u> % <u>≤to</u> 220%	17.00%
7 <u>Tier 2, Graduated Phase Out</u>	<u>≥220+</u> % <u>≤to</u> 250%	20.00%

(d) Families authorized for graduated phase out shall be assigned step 7 for the 12 month 92 calendar day graduated phase out period.

(d)(k) The family cost\_-share assigned to the family shall be divided equally among all eligible children enrolled with DHHS enrolled child care providers.

(e)(l) The cost\_-share per child shall be applicable to only one DHHS enrolled child care provider.

(f)(m) The family shall identify one DHHS enrolled child care provider per child to be reimbursed by DHHS pursuant to He-C 6910.067(b)(4).

(g)(n) If the family utilizes more than one child care provider per child:

(1) DHHS shall only pay for the one child care provider per child; and

(2) The family shall be responsible for the total cost of care for additional child care providers.

**Repeal He-C 6910.19, effective 5-7-12 (Document #10120), to read as follows:**

~~He-C 6910.19 Child Care Payments and Provider Billing Requirements:~~

~~—(a) Child care payments shall be made by DHHS directly to a provider based on authorized levels of child care services that will be part time, half time, or full time for the week.~~

~~—(b) Child care payments shall be made if:~~

~~(1) The provider is enrolled with the DHHS child care scholarship program pursuant to He-C 6910.20;~~

~~(2) The provider or parent has submitted the form 2530, titled “Child Care Provider Verification”;~~

~~(3) The family was eligible for and receiving child care scholarship during the time period covered in the provider billing;~~

~~(4) On a weekly basis, the provider has submitted a billing invoice for each child:~~

~~a. Where the number of hours billed matches the hours of the parent’s employment related activities plus commute time and does not exceed the number of hours on the attendance sheet;~~

~~b. That does not include fees or extra charges; and~~

~~c. Has been completed in accordance with (c) through (e) below; and~~

~~(5) For children receiving child care services from a license exempt provider, the enrolled license exempt provider has been the only person providing the care and supervision for the times billed to DHHS.~~

~~—— (c) The provider shall report within 2 days if the location of where child care is being provided changes and complete the required background checks according to He C 6910.20 if the child is now being cared for in the provider's own home.~~

~~—— (d) The provider or his/her authorized representative shall complete and submit a billing invoice for each child on either a form 2500, titled "Child Care Payment Request" (March 2009) or via a web billing application.~~

~~—— (e) For form 2500, the provider shall include an original signature from the provider or authorized representative and the parent, legal guardian, or caretaker relative obtained after the services are provided in accordance with (f) below.~~

~~—— (f) The handwritten signature in (e) above or web billing electronic certification submitted with the invoice to DHHS shall certify that:~~

~~(1) The billing was completed in accordance with this section;~~

~~(2) The invoice includes only those hours in which child care services were rendered to a child receiving a child care scholarship and the parent was in an approved work activity; and~~

~~(3) The billing is true and accurate.~~

~~—— (g) If a provider wishes to submit billing via the web, the provider shall request a web billing account from DHHS.~~

~~—— (h) Upon receipt of a web billing account request, DHHS shall issue to an individual such as the provider, and each authorized representative, if any, a user identification to use with the account and a personal identification number (PIN), which the provider or the authorized representative may change at any time.~~

~~—— (i) The provider or the authorized representative shall not transfer his/her PIN or allow use of his/her PIN to any other person.~~

~~—— (j) If a provider designates one or more authorized representatives to submit billing via the web, the provider shall request a separate web billing account and PIN from DHHS for each authorized representative.~~

~~—— (k) If the provider wishes to have additional staff submit invoices for payment via web billing, then each staff member shall submit a request for his/her own PIN as described in (g) and (h) above.~~

~~—— (l) Each child care provider shall maintain the weekly attendance sheet as described in (m) below for a period of 7 years for each week billed to the DHHS.~~

~~—— (m) Each child care provider shall accurately document the following information on each weekly attendance sheet:~~

~~(1) The name of the child care provider or program;~~

~~(2) The date of service including the month, day, and year;~~

~~(3) The time of the child's arrival and departure;~~

~~(4) The child's first and last name; and~~

~~(5) The original signature, including the first and last name of the parent.~~

~~—— (n) Upon written request from DHHS, and within 7 business days of such request, each child care provider shall provide DHHS with weekly attendance sheets as described in (m) above as supplemental billing documentation.~~

~~—— (o) If the provider receives notification of a rejected or returned billing invoice, the provider shall:~~

~~(1) Correct the billing errors and resubmit the billing invoice no later than 30 calendar days from the date of the notification;~~

~~(2) Upon the second notification of the same rejected or returned billing invoice notification, call the child development bureau provider relations; and~~

~~(3) Correct the billing errors and resubmit the billing invoice within 30 calendar days of the date of the second notification of the rejected or returned billing invoice.~~

~~—— (p) If the provider does not resubmit the billing invoice correctly in accordance with (o)(3) above, DHHS shall not pay that billing invoice.~~

~~—— (q) If DHHS determines the provider or his/her authorized representative has repeatedly submitted the billing invoices incorrectly or that the billing invoices are incomplete, DHHS shall issue a letter that includes the following information:~~

~~(1) A description of the billing errors, including the type and frequency of the errors, and how to correct the billing errors;~~

~~(2) The required training the provider shall attend within 20 business days of the date of the notification;~~

~~(3) How to access the mandated training; and~~

~~(4) Notification that provider disqualification may occur if:~~

~~a. Further billing errors occur after the provider has attended the mandated training; or~~

~~b. The provider does not attend the mandated training within 20 business days.~~

~~—— (r) A provider shall report all child care payments received as income when requesting other services from DHHS so that DHHS can consider this income in determining the provider's eligibility for other services.~~

~~—— (s) A provider shall not be eligible to receive payments for child care services for a specific child when the provider has not:~~

~~(1) Submitted an invoice and been paid within the past 90 days in accordance with (b) above; or~~

~~(2) Submitted invoices in accordance with (c) above.~~

~~—— (t) If a child care provider has not received payment for more than 12 consecutive months, then his/her enrollment shall be terminated. If the provider wants to provide child care services for eligible children and receive payment from DHHS for those child care services, the provider shall re-enroll in accordance with He-C 6910.20.~~

~~—— (u) If DHHS does not pay the provider due to the provider's billing practices that are contrary to the provider agreement and these rules, the provider shall forfeit the right to payment and shall not bill the parent for the cost of the services that could have been paid by DHHS.~~

~~—— (v) DHHS shall issue to a provider a federal Form 1099 in January of each calendar year if the total reportable payment from all state agencies equals \$600 or more.~~

~~—— (w) A provider shall contact DHHS if he/she has received an overpayment.~~

~~—— (x) A provider and a parent shall determine whether the amount the parent pays the provider each week shall include:~~

~~(1) All or part of the cost share; and~~

~~(2) All or part of the difference between the DHHS reimbursement and the provider's standard weekly fee.~~

**Readopt with amendment He-C 6910.23, effective 5-7-12 (Document #10120), as amended effective 9-1-15 (Document # 10917), and renumber as He-C 6910.19, to read as follows:**

He-C 6910.23<sup>19</sup> Appeals for Applicants and Recipients.

(a) A family may appeal within 30 calendar days of the date on the notification of an eligibility decision to reduce, deny, or terminate a child care scholarship in accordance with He-C 200.

(b) If a family files an appeal in accordance with He-C 200 within 15 calendar days of the date of the notification and requests continuation of a child care scholarship, then a child care scholarship shall continue at the established payment rate.

(c) If the decision on the appeal upholds the DHHS proposed action, then a child care scholarship shall be denied, decreased, or terminated effective the date indicated on the original notification of the denial, decrease, or termination, except when the termination is a result of the recipientparent's failure to complete the redetermination process in accordance with He-C 6910.15<sup>14</sup> and in which case the effective date shall be the closure date identified on the notification of redetermination.

(d) If the family opted to continue to receive a child care scholarship as provided under (b) above, any overpayment shall be repaid in accordance with He-C 6910.20<sup>4</sup>.

(e) If the decision on the appeal does not uphold the DHHS proposed action:

(1) Eligibility shall be established as provided for in the appeal decision and eligibility shall be effective as described in He-C 6910.1009(e)(11) or (12) if the notification proposed a denial of the application; or

(2) The family shall continue to receive child care scholarship as provided for in the appeal decision, if the notification proposed a decrease or termination of a child care scholarship.

**Readopt with amendment He-C 6910.24, effective 5-7-12, (Document # 10120), and renumber as He-C 6910.20, to read as follows:**

He-C 6910.2024 Recoupment of Overpayments.

(a) An overpayment shall have occurred under one of the following conditions:

(1) When a family requests continuation of a child care scholarship pending the outcome of an appeal and the appeal decision upholds the DHHS proposed action; or

(2) For any other reason that a provider received an incorrect higher amount of payment than he~~/~~ or she should have received.

(b) When an overpayment has occurred, DHHS shall determine the cause in accordance with (c), (e), (h), and (j) below.

(c) The overpayment shall be solely the fault of the provider when the parent is in compliance with the provisions of He-C 6910 and the provider has been paid for services:

(1) Not rendered; or

(2) That were not in compliance with He-C 6910.40.19 and the provider agreement.

(d) If the overpayment has been determined to be solely the fault of the provider, the provider shall receive a notification that an overpayment has occurred and that repayment shall be made in accordance with (k) below.

(e) The overpayment shall be solely the fault of the parent if:

(1) The provider is in compliance with He-C 6910.40.19 and the provider agreement,

(2) The parent has not complied with the provisions of He-C 6910; and

(3) The provider has no knowledge that the parent was out of compliance with the provisions of He-C 6910.

(f) If an overpayment has been determined to be solely the fault of the parent, the parent shall receive notification that an overpayment has occurred and payments shall be recouped in accordance with RSA 167:17-a.

(g) The overpayment shall be the fault of ~~the~~ both the parent and the provider when:

(1) Both parties are out of compliance with He-C 6910; or

(2) Both parties were in collusion, meaning they agreed to actions with the understanding that their actions constituted a violation of the provisions of these rules.

(h) If the overpayment is determined to be the fault of both the parent and the provider, notification shall be sent to both parties.

(i) If the overpayment is determined to be the fault of the parent in accordance with (e) above, or the fault of both the provider and the parent in accordance with (g) above, DHHS shall initiate further action such as recoupment of payment from the parent.

(j) If the parent has opted to continue to receive a child care scholarship pending the outcome of the appeal and the appeal decision upholds the DHHS proposed action as in (a)(1) above, the parent shall be the cause of the overpayment and shall be responsible for the repayment.

(k) Within 30 calendar days of notification in accordance with (d) above, the provider shall agree to do one of the following:

(1) Repay the overpayment in full;

(2) Choose to repay at a rate no lower than 10 percent of the full amount owed per month until the overpayment is repaid in full whether the provider is currently enrolled or no longer enrolled; or

(3) For a currently enrolled provider, choose to have the total amount withheld from future child care scholarship payments to the provider, beginning with the next scheduled payment after agreement has been reached or after the 30 days has elapsed, whichever occurs first, until the overpayment is repaid in full.

(l) If the provider fails to comply with (k) above, then the overpayment shall be recouped in full beginning with the next scheduled child care scholarship payment to the provider after the 30 calendar days has elapsed, or for as long as is necessary to recoup the overpayment in full.

**Repeal He-C 6910.20, effective 5-7-12 (Document # 10120), to read as follows:**

~~He-C 6910.20 Provider Qualifications and Requirements for Enrollment.~~

~~(a) For a child care provider to receive payment for child care services provided to an applicant or recipient, the provider shall:~~

~~(1) Meet the qualifications of a provider as described in (b) below;~~

~~(2) Be enrolled with DHHS as described in (c) through (h) below;~~

~~(3) If license exempt, complete a criminal records and central registry check in accordance with He-C 6920;~~

~~(4) Allow the parent access to the child(ren) at all times while the child(ren) is in the provider's care;~~

~~(5) Keep all information concerning children and their families confidential except as otherwise allowed under law; and~~

~~(6) Not be a member of the same residence or assistance group as the parent or child(ren) receiving scholarship, where "residence" means a dwelling;~~

~~a. Which has a separate bathroom and kitchen;~~

~~b. Which has a separate entrance and mailing address; and~~

~~c. For which there are independent living expenses including one or more of the following:~~

~~1. Electricity billing statement for the address identified in b. above;~~

~~2. Gas or oil billing statement for the address identified in b. above; or~~

~~3. A lease agreement stating that any of above costs are included in the payment of rent.~~

~~—— (b) A provider shall:~~

~~(1) Be licensed or license exempt;~~

~~(2) Be 16 years of age or older;~~

~~(3) Not reside in the home with the parent or child(ren) receiving scholarship;~~

~~(4) Not be a parent of a child for whom he/she is providing care;~~

~~(5) If license exempt, care for 3 or fewer children, other than his/her own in the caregiver's home, or meet the exemption criteria as specified in RSA 170-E:3, I (a) (g);~~

~~(6) If licensed, have a valid New Hampshire child care license or valid permit to operate in accordance with He C 4002;~~

~~(7) If licensed, complete and sign the form 2632, titled "Child Care Provider Agreement Licensed Child Care" (March 2009), thereby agreeing to comply with all elements of the provider agreement for licensed child care; and~~

~~(8) If license exempt, complete and sign the form 2631, titled "Child Care Provider Agreement License Exempt Child Care" (March 2009), thereby agreeing to comply with all elements of the provider agreement for license exempt child care.~~

~~—— (c) To be enrolled with DHHS, the provider and the applicant/recipient shall complete the following forms:~~

~~(1) Form 2620, titled "Child Care Provider Enrollment and Registration" (March 2009);~~

~~(2) Alternate W-9 Form, Payer's Request for Taxpayer Identification Number and Certification; and~~

~~(3) Form 2530, titled "Child Care Provider Verification" (March 2009).~~



~~—— (d) Upon completion and signature of the forms in (c) above by both the applicant/recipient and the provider(s), the applicant/recipient shall return the completed forms to:~~

~~Department of Health and Human Services  
Child Development Bureau  
129 Pleasant Street  
Concord, NH 03301~~

~~—— (e) In addition to the forms required by (c) above:~~

~~(1) Licensed providers shall submit:~~

~~a. A completed form 2632, titled “Child Care Provider Agreement Licensed Child Care” (March 2009); and~~

~~b. A copy of the current license issued by DHHS’s Child Care Licensing Unit; and~~

~~(2) License exempt providers shall complete the process described in He C 6920 and submit a completed form 2631, titled “Child Care Provider Agreement License Exempt Child Care” (March 2009).~~

~~—— (f) Upon receipt of the completed forms required by (c) and (e) above, and after completion of background checks, DHHS shall send a confirmation to the provider indicating that the provider has been enrolled with DHHS and has been assigned a unique NH Bridges resource identification number, if there are no concerns pursuant to He C 6920 revealed in the background checks.~~

~~—— (g) A provider shall use the uniquely assigned NH Bridges resource identification number on all billing invoices for payment to be made.~~

~~—— (h) A provider shall be re-enrolled when his/her tax identification number is changed from a social security number to an employer identification number or vice versa. Re-enrollment shall be the same as is required under He C 6910.20, except that the notarized criminal records authorizations and form 2601 shall not be required.~~

~~—— (i) If a provider has his/her child care license denied, suspended, or revoked pursuant to He C 4002, then DHHS shall review the facts of the licensing denial, suspension, or revocation to determine if the provider meets the qualifications of a license exempt provider in accordance with He C 6910.20 and RSA 170-E:12.~~

~~—— (j) An enrolled provider shall be a vendor of child care services and shall not be considered an employee of DHHS.~~

~~—— (k) An enrolled provider may terminate his/her enrollment without cause following 30 days written notification by registered mail.~~

**Repeal He-C 6910.21, effective 5-7-12 (Document # 10917), as amended effective 9-1-15 (Document #10971), to read as follows:**

~~—— He C 6910.21 Termination. A child care scholarship shall terminate as follows:~~

~~—— (a) A child shall be terminated from a child care scholarship effective the day on which he/she turns age 13, unless the child meets the criteria of a child experiencing a significant special need as described in He C 6910.06(c), in which case the child shall be terminated from a child care scholarship effective the day on which he or she turns age 18;~~

~~—— (b) A child care scholarship shall terminate whenever a family no longer meets the eligibility requirements found in He C 6910, effective 10 days from the date on the notification indicating termination, unless continuation of assistance is requested pending the outcome of an appeal;~~

~~—— (c) A child care scholarship shall terminate at the end of the eligibility period if a parent fails to complete a redetermination of eligibility in accordance with He C 6910.14 and with He W 600; or~~

~~—— (d) A child care scholarship shall terminate if the notification indicates termination of a child care scholarship and the department's determination is upheld upon appeal.~~

**Repeal He-C 6910.22 effective 5-7-12 (Document #10120), to read as follows:**

~~—— He C 6910.22 Disqualification.~~

~~—— (a) A provider shall be disqualified from participation as a child care provider if:~~

~~(1) The provider is convicted of fraud by the court pursuant to RSA 167:17 b;~~

~~(2) The provider does not meet the criteria in (1) above, but has been found to have committed fraud by an investigation conducted by DHHS pursuant to RSA 161:2, XV;~~

~~(3) The provider's child care license or permit was denied or revoked;~~

~~(4) The health or safety of a child is endangered as a result of the provider's care, as detailed in RSA 170-E:4, II, RSA 170-E:7, He C 4002.09(j)(2) (4), or He C 6920.07 and 6920.08;~~

~~(5) The provider has provided false or misleading statements to DCYF regarding, but not limited to, the following:~~

~~a. Physical or mailing address;~~

~~b. Living with a parent or a child;~~

~~c. Who is living within the residence; or~~

~~d. Prior to enrollment, failure to disclose if any person in the household has been convicted of a crime as described in (4) above or found to have committed child abuse or neglect in accordance with RSA 169-C;~~

~~(6) The provider has provided false or misleading billing documentation, including, but not limited to, the following:~~

~~a. Billing for child care services not rendered; or~~

~~b. Billing for child care services provided;~~

~~1. While knowing the parent was not in the approved employment related activity;~~

~~2. By another person or provider; or~~

~~3. While not in compliance with child care licensing requirements under He-C 4002;~~

~~(7) The provider has either:~~

~~a. Not provided the supporting billing documentation as required by He-C 6910.19(n); or~~

~~b. The provider has provided information on that supporting billing documentation that is false or misleading;~~

~~(8) The provider does not meet the criteria in (2) above, but has been determined to have made billing errors after the provider has received a letter in accordance He-C 6910.19(q) and the provider:~~

~~a. Did not attend the mandated training; or~~

~~b. Attended the mandated training and continued to submit the billing invoices incorrectly; or~~

~~(9) The provider has failed to comply with any of the elements of the provider agreement in He-C 6910.20(b)(7)-(8).~~

~~—(b) The provider shall be disqualified in accordance with (a) above from participation as a child care provider or to receive any state funds under that program for a period of not less than 5 years, if any of the following have occurred:~~

~~(1) The provider has committed fraud, as defined in He-C 6910.03(q) in any program administered by DHHS; or~~

~~(2) The provider has had his/her child care license or permit denied or revoked pursuant to RSA 170-E:12, V.~~

~~—(c) The opportunity found in He-C 4002.11 shall not apply to a provider who has been disqualified due to fraud.~~

~~—(d) The provider who has been disqualified in accordance with (a) above shall be sent a written letter from DHHS regarding the disqualification as follows:~~

~~(1) The letter shall be sent via mail to the provider informing him/her that the date of the disqualification shall be effective 30 calendar days from the date of the letter;~~

~~(2) The letter shall include the reason(s) for the disqualification; and~~

- ~~(3) The letter shall include information about the provider's right to appeal the disqualification in accordance with He-C 200.~~
- ~~(e) The effective date of the disqualification shall be either:~~
- ~~(1) The effective date shown in the disqualification notification as described in (d)(1); or~~
- ~~(2) If the basis for the disqualification is (a)(4) above, then the disqualification shall be effective immediately upon notification.~~
- ~~(f) If the provider opted to continue to receive child care scholarship payment during an appeal, and the disqualification is upheld by the hearings officer, the provider shall repay to DHHS any payment made after the effective date on the letter notifying the provider of his/her disqualification.~~
- ~~(g) If the hearings officer finds in favor of the provider, then the disqualification shall not take effect.~~
- ~~(h) Any parent eligible under He-C 6910 who is utilizing the child care services of a provider who has been disqualified by DHHS shall be notified via mail that:~~
- ~~(1) The provider does not meet the minimum requirements to operate as a child care provider;~~
- ~~(2) DHHS shall deny child care payment to the provider;~~
- ~~(3) The information obtained by DHHS from or about the provider is confidential and shall not be made available for a parent's review; and~~
- ~~(4) DHHS advises that other child care arrangements be made and to contact a child care resource and referral agency.~~

## APPENDIX A

### Incorporated by Reference

Rule Number	Document Referenced	Where Available and Cost
He-C 6910.06(b)	"Federal Poverty Guidelines for 48 Contiguous states plus the District of Columbia" (1/25/2006)	Available at: <a href="http://www.federalregister.gov/articles/2016/01/25/2016-01450/annual-update-of-the-hhs-poverty-guidelines">http://www.federalregister.gov/articles/2016/01/25/2016-01450/annual-update-of-the-hhs-poverty-guidelines</a> , free of charge.

## APPENDIX B

Rule Number	Specific State or Federal Statutes or Regulations the Rule Implements
He-C 6910.01	RSA 161:2, XII; RSA 167:83, I(b) and RSA 167:83, II(o)
He-C 6910.02	RSA 167:77, V(e)
He-C 6910.03	RSA 161:2, XII; RSA 167:58, IV; RSA 167:83, I(b); RSA 167:83, II(o)
He-C 6910.04	RSA 167:79, III(d)–(g); RSA 167:83, II(o)

He-C 6910.05	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.06	RSA 167:83, II(c) and (o)
He-C 6910.07	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.08	RSA 167:85; RSA 167:88; RSA 167:90; RSA 167:91
He-C 6910.09	RSA 167:83, II(c) and (o)
He-C 6910.10	RSA 167:79, V(b); RSA 167:82, VI; RSA 167:83, II, II(c)(e)(m)
He-C 6910.11	RSA 167:83, II(b); RSA 167:83, III(h)
He-C 6910.12	RSA 161:2, XII; RSA 167:83, II
He-C 6910.13	RSA 167:83, II(o)
He-C 6910.14	RSA 167:83, II(c) and (o)
He-C 6910.15	RSA 161:2, XII; RSA 167:83, II
He-C 6910.15 Existing Rule Repealed	RSA 167:83, V(o)
He-C 6910.16	RSA 161:2, XII; RSA 167:83, II
He-C 6910.17	RSA 167:83, II(o)
He-C 6910.18	RSA 161:2, XII; RSA 167:83, II(o); RSA 167:83, III(g); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:12
He-C 6910.19	RSA 167:83, II(a); RSA 541-A:31, I and II
He-C 6910.19 Existing Rule Repealed	RSA 167:83, II(o)
He-C 6910.20	RSA 167:83, II(i)
He-C 6910.20 Existing Rule Repealed	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c; RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V
He-C 6910.21 Repealed	RSA 167:83, II (o)
He-C 6910.22 Repealed	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c; RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V